

# GRIEVANCE RETURNED UNANSWERED

Received:

EC 101

James Ezell III  
Inmate signature

3-18-19

Date

DATE: March 13, 2019  
TO: Ezell, James, #237370  
FROM: James Yates, Warden  
Received: February 26, 2019  
RE: Return of Grievance # 2019-1001-00104-G

## YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☐ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted **within seven (7) days of the incident.**
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the **date of the receipt of the response to the "Request to Staff."**
- ☐ An **ANSWERED** Request to Staff form addressed to the **correct staff member** must be attached.
- ☐ The Request to Staff issue is not consistent with the issue requested on the Grievance.
- ☐ **Inmate Request forms are not utilized in the Grievance Process.**
- ☐ You have not completed the **Grievance form correctly, in its entirety, or on the correct form.**
- ☐ Grievances submitted must be **legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed.** No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☒ The Grievance must be specific as to the **Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.**
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with **a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.)** **The grievance form may only be filed about the lack of response to the "Request to Staff."**
- ☐ Only **ONE ISSUE OR INCIDENT** is allowed per grievance.
- ☐ You are on **Grievance Restriction**, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an **Emergency or Sensitive** nature. the grievance is being returned and you must comply with the standard grievance process.

Note: Exhibit B) affidavit 1 of 8 Echo Unit Team Staff in Authority over plaintiff also Exhibit C) 1 of 2 affidavit The 10th Cir could review this unprofessional behavior by c/m allow by 4/m discrimination and deterrence from filing Complaint. See before Ex. 69) I

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- ☐ **NOT A GRIEVABLE ISSUE. Section-09 Programs Page: 4 OP-090124 Effective Date: 10/18/2017**  
1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."
- ☐ **NOT A GRIEVABLE ISSUE. Section-09 Programs Page: 4 OP-090124 Effective Date: 10/18/2017**  
2. Grievances shall not be submitted about matters that are in the course of litigation.
- ☐ **NOT A GRIEVABLE ISSUE. Section-09 Programs Page: 4 OP-090124 Effective Date: 10/18/2017**  
3. Grievances shall not be submitted that include requests for disciplinary action against staff.
- ☐ **NOT A GRIEVABLE ISSUE. Section-09 Programs Page: 4 OP-090124 Effective Date: 10/18/2017**  
4. Grievances shall not be submitted requesting monetary compensation.
- ☐ **NOT A GRIEVABLE ISSUE. Section-09 Programs Page: 4 OP-090124 Effective Date: 10/18/2017**  
5. Property issues at privately contracted facilities are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.
- ☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).
- ☐ **ABUSE OF THE GRIEVANCE PROCESS**  
**Section-09 Programs Page: 17 OP-090124 Effective Date: 10/18/2017**  
A. Determining Abuse of the Grievance Process  
1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))
- ☐ a. Grievances intended to harass another;
- ☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);
- ☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;
- ☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;
- ☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;
- ☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;
- ☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.
- ☐ **Because of continued abuse of the grievance process this serves as an official warning.**
- ☒ You will be afforded the opportunity to properly re-submit an ORIGINAL GRIEVANCE within 10 days of receipt of this notice WITH THE NOTED CORRECTIONS COMPLETED. The failure of such waives/forfeits the right to proceed in the grievance process.
- ☐ Due to your continued failure to submit a properly filed grievance, you are now OUT OF TIME.
- ☒ Other: ISSUE IS UNCLEAR WHAT YOU ARE WANTING.



## INMATE/OFFENDER GRIEVANCE

RECEIVED  
FEB 26 2019Grievance no. 2018-001-00104-GGrievance code: 6Response due: 3/18/19

GRIEVANCE

DO NOT WRITE ABOVE THIS LINE

Date 2-25-19Facility or District D.C.F.-EchoName James Ezell IIIFacility Housing Unit Echo CharlieODOC Number 237370Date "Request to Staff" response received: 2-22-19

Have you previously submitted a grievance on this same issue? NO If yes, what date \_\_\_\_\_, facility \_\_\_\_\_, grievance # \_\_\_\_\_. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. Respectfully As (RTS) state D.O.C. OP-060125 [Range of allowed sanction] Fines are not to be imposed as a sanction if charges are being filed against the inmate [Title 22 § 504.1.D.] Quash of the information, [No] case law is available for offenders here at D.C.F. through [OP-030115 Access to Court] supporting the violation of Fifth Amend. U.S.C. Art. 2 § 21; Okla Stat. Tit. 22 § 504.1 (Set aside information Double Jeopardy Affce DOC prosecution 20.00 fine imposed sanction).

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.  
Inmate Request to L.L. Supervisor Ms Patterson on 2-6-2019 advising of OP-030115 Access to Court recommending contact General Counsel to obtain unpublished opinions  
Inmate Request to L.L. Supervisor Ms Patterson on 2-14-2019 after assistance from Echo Law Clerk Mr. Raven Research on L.R.C  
Mr. Ezell submitted RTS to Law Library Supervisors whom responsible for [OP-030115]

3. The action you believe the reviewing authority may lawfully take.  
Mr. Ezell is clear on OP-060125 [Range of Allowable sanction] Fine imposed 20.00 Title [22 § 504.1.D.] ALFalFa County is without authority of D.O.C. policy OP-060125. Obtaining the case law the D.C.F. Law Clerk are suppose to have access to provided assistance to D.C.F. offenders Access to Court OP-030115 General Counsel Mr. Ezell prose CF-2018-34  
Grievance report sent to (warden/district supervisor/correctional health services administrator):  
Mr. James Yates

Name

Normo Ezell

Signature of Grievant

Title

WardenDate Sent to Reviewing Authority 2-25-19

Date Sent to Reviewing Authority

DOC 090124A (R 7/16)

1. Original to file
2. Copy to inmate/offender

EXHIBIT 2a) 3

15

## GRIEVANCE RETURNED UNANSWERED

Received:

*refused 4-9-19*

Inmate signature

Date

DATE: March 28, 2019  
TO: Ezell, James, #237370  
FROM: James Yates, Warden  
Received: March 21, 2019  
RE: Return of Grievance # 2019-1001-00104-G

*X Mu J*

**YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:**

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- ☐ It has been determined that the grievance is not of an **Emergency or Sensitive** nature. the grievance is being returned and you must comply with the standard grievance process.



- ☐ **NOT A GRIEVABLE ISSUE. Section-09 Programs Page: 4 OP-090124 Effective Date: 10/18/2017**  
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- ☐ a. Grievances intended to harass another;
- ☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);
- ☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;
- ☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;
- ☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;
- ☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;
- ☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.
- ☐ **Because of continued abuse of the grievance process this serves as an official warning.**
- ☐ You will be afforded the opportunity to properly re-submit an **ORIGINAL GRIEVANCE** within 10 days of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The failure of such waives/forfeits the right to proceed in the grievance process.
- ☒ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.
- ☒ Other: **No specific date of incident.**

## INMATE/OFFENDER GRIEVANCE

RECEIVED

MAR 21 2019

Grievance no. 2019-1001-00104-6Grievance code: 6Response due: 4/9/19

GRIEVANCE

DO NOT WRITE ABOVE THIS LINE

Date 3-18-19Facility or District D.C.F EchoName James Ezell III

(Print)

Facility Housing Unit Echo CharlieODOC Number 237370Date "Request to Staff" response received: 2-22-19

Have you previously submitted a grievance on this same issue? yes If yes, what date 2-25-19, facility D.C.F, grievance # 1001-00104-6. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

- The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. Mr. Ezell and DCF L.L. Echo Clerk Searched L.R.C Before Motion Filed in of 2018-34 Olfa County Dec. 14, 2018 pursuant to [D.O.C] OP-060125 [Range of allowed sanction] fine imposed 20.00 disciplinary procedure [Title 22 504.1.D] on Jan. 26, 2019 Judge Justin Eilers dismissed Dec. 14, 2018 Motion Filed because no [Case Law] supported [D.O.C] Policy. OP-030115 Access to Court here at D.C.F after research before Dec. 14, 2018 and after research Jan. 26 2019 [NO] Case Law was available on D.C.F L.R.C both Mr. Ezell and Echo Law Clerk Raven Searched
- Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.  
Inmate Request was clear to L.L. Supervisor to contact general counsel per op-030115 to obtain unavailable [Case Law] 2-6-2019 Ms. Patterson refused offender Mr. Ezell then provided R.T.S to L.L. Ms Patterson on 2-14-2019 clearly advising her to provide [Case Law] that was unavailable on L.R.C. disregarding to contact the [D.O.C] general counsel per policy OP-030115. Etc Buggs addressed, Case Manager Pfaff addressed before Feb. 25 2019 Filed grievance
- The action you believe the reviewing authority may lawfully take.  
I feel that I was clear OP-060125 [Range of allowed sanction] Fine imposed 20.00 Title 22 504.1.D. prohibits Olfa County from charges. However, after research of D.C.F L.R.C with Echo Law Clerk Mr. Raven [NO] Case Law was available. Therefore it was Ms. Patterson responsibility to Contact General Counsel to provide [Case Law] as I requested.

Grievance report sent to (warden/district supervisor/correctional health services administrator):

Mr. James YatesWarden

Name

Title

Signature of Grievant

3-19-19

Date Sent to Reviewing Authority

- Original to file
- Copy to inmate/offender

DOC 090124A (R 7/16)

EXHIBIT 2b) 3



2019  
1809

Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process  
REQUEST TO STAFF

TO: Law Library Ms Patterson FACILITY/DIST/UNIT: D.C.F DATE: 2-14-19  
(NAME AND TITLE OF STAFF MEMBER)

I have <input checked="" type="checkbox"/> have not <input type="checkbox"/> already submitted a "Request to Staff" or grievance on this same issue.	<b>RECEIVED</b>
If yes, what date: <u>I.R. 2-6-2019</u> facility: <u>D.C.F</u> grievance #: <u>        </u>	
I affirm that I do <input type="checkbox"/> do not <input checked="" type="checkbox"/> have a grievance pending on this issue.	<b>FEB 21 2019</b>
I affirm that I do <input type="checkbox"/> do not <input checked="" type="checkbox"/> have a lawsuit of any type pending that relates in any way to this issue.	
If a lawsuit is pending, indicate case number and court: <u>        </u>	
This request <input type="checkbox"/> does <input checked="" type="checkbox"/> does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.	

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

D.O.C OP-060125 [RANGE OF ALLOWABLE SANCTION] i.d. at page 7; clearly states: Fines are not to be imposed as a sanction if charges are being filed against the inmate. Title 22 § 504.1 D. Quash of the information No case law supported through D.O.C OP-030115 Access to Court at D.C.F  
(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

The Fifth Amendment to U.S Constitution Article 2 section 21; Oklahoma statutes title 22 section 504.1 (set aside information) Double Jeopardy - After DOC prosecution 20.00 Not enough in ALFALFA COUNTY TO DISMISS WITHOUT CASE LAW D.C.F Law Library does not provided, PROVIDE IT!  
Thank you

NAME: James Ezell DOC NUMBER: 231316 UNIT & CELL NUMBER: EC-101  
(PRINT)

SIGNATURE: James Ezell III WORK ASSIGNMENT:         

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

look up on LRC. If such exists it will be on the LRC.

Thank You

Dat

**FEB 21 AMST**

**RECEIVED**  
STAFF MEMBER  
Date response sent to inmate: 2019  
1. Original to file  
2. Copy to inmate/offender  
**GRIEVANCE**

**FEB 21 AMST**

**RECEIVED**  
DATE:           
**FEB 26 2019**  
DOC 090124D (R 9/16)  
**GRIEVANCE**

EXHIBIT 2b) 4



JOE M. ALLEAUGH  
DIRECTOR

J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-104

Date: APRIL 29, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

<input type="checkbox"/>	1. No facility head response to the grievance.
<input type="checkbox"/>	2. No informal action or "Request to Staff" response included.
<input type="checkbox"/>	3. Out of time from date of alleged incident until filing request to staff.
<input type="checkbox"/>	4. Out of time from date of response to request to staff until filing the grievance with facility head.
<input checked="" type="checkbox"/>	5. Received out of time from date of facility head response.
<input type="checkbox"/>	6. You cannot appeal a non-response. See OP-090124 section IV.C.11. or V.C.4.
<input type="checkbox"/>	7. Inmate or grievance restriction and/or proper documentation not included. See OP-090124, section IX.B.2.
<input type="checkbox"/>	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
<input type="checkbox"/>	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
<input type="checkbox"/>	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections, etc.)
<input type="checkbox"/>	11. More than 1 issue - only 1 issue allowed per grievance/Request to Staff
<input type="checkbox"/>	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the facility an opportunity to respond.
<input type="checkbox"/>	13. Requests for disciplinary action against staff will not be addressed in the grievance process.
<input type="checkbox"/>	14. Appeal form not signed/dated.
<input type="checkbox"/>	15. Grievances shall not be submitted requesting monetary compensation.
<input type="checkbox"/>	16. The ruling of the Administrative Review Authority or Director's Designee is final.
<input type="checkbox"/>	17. Facility grievance number not listed on the appeal form.
<input type="checkbox"/>	18. Additional issues submitted in the grievance appeal and not presented in the initial request to staff or grievance to the facility head for response, will not be addressed by this office.
<input type="checkbox"/>	19. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
<input type="checkbox"/>	20. You did not provide the date that you received the reviewing authority's response on the appeal form.
<input type="checkbox"/>	21. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred.
<input type="checkbox"/>	22. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
<input type="checkbox"/>	23. Your appeal must be written on the current Grievance/Appeal form (DC-0050125V effective 4/17).
<input type="checkbox"/>	24. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance/appeal which must be received in ARA within 10 days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
<input type="checkbox"/>	25. Other:

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS  
NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response:

5-21-19

Inmate's signature and date

P.O. BOX 11400, OKLAHOMA CITY, OK 73136-0400

EXHIBIT

(2) b5

EXHAUSTED

DAVIS CORRECTIONAL FACILITY  
Inmate Accounting Transaction Receipt

Today's Date: 05/15/2019 3:06:14PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 05/15/2019 09:18  
Transaction Type: CR - GRIEVANCE FEES/FINES  
Amount: \$ 2.00  
Check Number:  
Receipt Number: 13307336  
Adding Officer: ACCOUNTING STAFF  
Card #:  
Beginning Balance: \$ 0.00  
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-104 ARA 4/26/19  
Document Locator Number:  
Case/Order Number:  
Memo:  
Batch Verifying Officer: ACCOUNTING STAFF  
Batch Number:  
Address: ,

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA )  
COUNTY OF Hughes ) SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant states that on 2/25/19, were affiant directed the Law Library Supervisor to contact General Counsel on D.O.C 090124A (R 7/16) form based on denial of assistance from train Law Clerk as it related to affiant CF-2018-34 ALFALFA COUNTY and CIV-2018-2277 Oklahoma County case, and the affiant re-submitted above grievance with specific date was Dec. 14. 18 Filed motion from provided information from D.C.F Law Library, Law Clerk disregard of affiant requested case law again filed on the D.O.C 090124A (R 7/16), the retaliation begin after he filed this grievance on 2/25/19 and refiled on 3/18/19 affiant was retaliated on 3/1/19 by % Adkins refusing to feed affiant in Echo Law Library Cages 1st James Ezell

Subscribed and Sworn to this 27 of AUGUST 2019

Notary Public /s/ Carla Hoover Date 8-27-2019



Inmate Accounting Transaction Receipt

Commit # 11003473

EXHIBIT 26) 6

720  
GRIEVANCE RETURNED UNANSWERED

EC 101

Received:

James Ezell TEP  
Inmate signature

4-19-19  
Date

DATE: April 17, 2019  
TO: Ezell, James, #237370  
FROM: James Yates, Warden  
Received: April 03, 2019  
RE: Return of Grievance # 2019-1001-00170-G

**YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:**

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C. Claim 3

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- ☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).
- ☐ **ABUSE OF THE GRIEVANCE PROCESS**  
**Section-09 Programs Page: 17 OP-090124 Effective Date: 10/18/2017**  
A. Determining Abuse of the Grievance Process  
1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))
- ☐ a. Grievances intended to harass another;
- ☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);
- ☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;
- ☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;
- ☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;
- ☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;
- ☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.
- ☐ **Because of continued abuse of the grievance process this serves as an official warning.**
- ☐ You will be afforded the opportunity to properly re-submit an **ORIGINAL GRIEVANCE** within 10 days of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED.** The failure of such waives/forfeits the right to proceed in the grievance process.
- ☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME.**
- ☒ Other: **Grievance is unclear to request.**



## INMATE/OFFENDER GRIEVANCE

Grievance no. 2019-1001-00170-67Grievance code: 6Response due: 4/22/2019

DO NOT WRITE ABOVE THIS LINE

Date

3-28-19

Facility or District

D.C.F

Name

James Ezell

(Print)

Facility Housing Unit

Echo Max

ODOC Number

437370Date "Request to Staff" response received: Mar. 27, 2019

Have you previously submitted a grievance on this same issue? NO If yes, what date \_\_\_\_\_, facility \_\_\_\_\_, grievance # \_\_\_\_\_. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. See OP-030115 D.O.C. POLICY ACCESS TO COURT OP-030115 III.(A.) I had no issues with denied access until grievance # 1001-00104-G, on Feb. 25, 2019, I was denied my 6hrs wk of March. 6, 2019 in which Echo law clerk lied to Case Manager Pffaff W/M Ade L.T. Bowman that Mr. Ezell had been receiving deadline 6hrs as well as lied to L.L.S Ms Patterson. Then see March. 11, 2019 6hrs provided, this denied access happened, happens, because no Law Library Supervisors is posted on Echo Max per OP-030115 III. A. For Supervision of L.L. and [Inmates]..

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

On Feb. 25, 2019 I address C/M Ms. Boggs she said Echo Law Clerk is L.L. Supervisors Responsibility.

On Feb. 25, 2019 I attempted to address C/M Pffaff he refused to address

on Mar. 14, 2019 I addressed W/M Ade on the denied access above

on Mar. 9, 2019 I addressed A.W Gentry whom followed to Ms. Patterson L.L.S.

on Mar. 13, 2019 I addressed the Supervisor over L.L. Ms. Patterson, Mr. Grant..

3. The action you believe the reviewing authority may lawfully take.

See OP-030115 III.(A) is clear someone trained will Supervise the law library and [Inmates] Mon.-Friday no staff member trained to maintain Law Library is posted on Echo Max to supervisor Echo Law Clerk Raven to prevent lies to staff, denied access to courts however, D.C.F has two other staff members trained per OP-030115 that could be posted to assist Supervisor.

Grievance report sent to (warden/district supervisor/correctional health services administrator):

Mr. James Yates

Warden

Name

James Ezell III

Title

3-29-19

Signature of Grievant

Date Sent to Reviewing Authority

1. Original to file
2. Copy to inmate/offender

DOC 090124A (R 7/16)

EXHIBIT 3a) 3



Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process  
REQUEST TO STAFF

TO: Ms Patterson L.L. FACILITY/DIST/UNIT: DC.F DATE: 3-9-19  
(NAME AND TITLE OF STAFF MEMBER)

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: March 6, 2019 facility: DC.F grievance #: RECEIVED  
I affirm that I do ☐ do not ☒ have a grievance pending on this issue.  
I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: NY  
This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

See DA-D30115 III. A Supervision of the law library and [inmates], Echo L Clerk Raven is unsupervisors denying offenders on EC then lying to law library Supervisors on Mahan Yard. Raven denied EC Access on Mon 4th - Tues 5th 2019 I personally as C/O Boyd why I was not in Law Library cage he said L. Clerk Raven said he wasn't doing EC.

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

Since Mr Echo L.L. Supervisors as above states one need to be placed to supervisor [inmates] working as Law Library Clerk on Echo to prevent denied Access by Raven because offenders complain about getting their access; Reviewing video and asking C/O Boyd would support Law Clerk lied offender did not refuse to did not deny it. Nor did security.

NAME: James Ezell III DOC NUMBER: 237370 UNIT & CELL NUMBER: EC-101  
(PRINT)

SIGNATURE: James Ezell III WORK ASSIGNMENT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Sir I'm showing on my records that you had 3hrs and 15min on 3/11/19 and 1hr on 3/11/19. I instructed him that there is to be staff present when speaking with you.

3/18/19

STAFF MEMBER

DATE

Date response sent to inmate: \_\_\_\_\_

MAR 19 AM 10

1. Original to file  
2. Copy to inmate/offender

received 3-27-19 J.E.

DOC 090124D (R 9/16)

EXHIBIT 3a) 4



# Grievance Decision from Reviewing Authority

EC 102

Inmate/Offender Name: Ezell, James DOC Number: 237370  
 Receipt Date: 04/03/2019 Grievance Category Code: 6 Grievance Number: 2019-1001-00170-G

- |                       |                             |                         |                        |                            |
|-----------------------|-----------------------------|-------------------------|------------------------|----------------------------|
| 1. Discrimination     | 3. Complaint against staff  | 5. Disciplinary process | 7. Medical             | 9. Records/Sentence Admin. |
| 2. Classification     | 4. Condition of confinement | 6. Legal                | 8. Property/Trust Fund | 10. Religion               |
| 11. Personal Identity |                             |                         |                        |                            |
- Decision:

Inmate Ezell complained that the law clerk on Echo unit denied him access to the law library cage on 3/4/19 and 3/5/19. He requested that a trained staff member be posted on the Echo unit to supervise the law clerk.

After further review of the matter, Jessica Patterson, Law Library Supervisor responded that I/M Ezell used the computer in the law library cages 3 hours and 15 minutes on 3/6/19 and 6 hours on 3/11/19. This exceeds the amount of time that the inmates are allowed to use the computers. The Law Library cannot guarantee an inmate will use the computers on a specific day. It depends on the pod schedule for that day. The law clerk has been instructed not to speak to I/M Ezell unless a staff member is present.

Inmate Ezell's **RELIEF IS GRANTED.**

Reviewing Authority – Facility Health Services Admin (medical issues)

Date

*[Signature]*

*6/12/19*

Review Authority – Facility/Unit Head

Date

I have received the copy of the response of the reviewing authority.

*James Ezell III*

Signature of Grievant

*6/13/19*

Date

Signature of Staff Witness and Printed Name of Witness

Date

You may appeal to the Administrative Review Authority or Personal Identity ARA at Department of Corrections, P.O. Box 11400, Oklahoma City, OK 73136-0400 or Medical ARA at 2901 N. Classen Blvd, Suite 200, Oklahoma City, OK 73106, within 15 days of the receipt of response using only DOC Form 060125V entitled "Misconduct/Grievance Appeal to Administrative Review Authority." Do not send this decision to the Administrative Review Authority or Medical ARA

1. Original to file
2. Copy to inmate/offender

DOC 090124B (R 4/19)

EXHIBIT

EXHIBIT 3a) 5

JOE M. ALLBAUGH  
DIRECTOR

J. KEVIN STITT  
GOVERNOR



STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

May 14, 2019

EZELL, JAMES #237370  
DCF 19-170

2019-170

Mr. Ezell,

Your grievance is being reviewed. Based on the information provided to this office, I have forwarded your grievance to the Warden at DCF for further review and investigation. An amended response will be provided by the reviewing authority within twenty (20) days of receipt of this request.

If, after receiving and reviewing the amended response, you believe that you have grounds for an appeal as specified on OP-090124 entitled "Inmate/Offender Grievance Process" section VII.A., you may do so within the guidelines stipulated in policy.

Sincerely,

*Mark Knutson*

Mark Knutson, Director's Designee

The inmate/offender received a copy of this response 5-23-19  
Signature and date

SCOTT CROW  
INTERIM DIRECTOR

J. KEVIN STITT  
GOVERNOR



STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

July 8, 2019

EZELL, JAMES #237370  
DCF 19-170

OP-090124 entitled, "Inmate/Offender Grievance Process" states in part, "The inmate/offender may appeal the reviewing authority's response to the grievance on the following grounds only:"

1. Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision. The inmate/offender must clearly state the newly discovered/available evidence.
2. Probable error committed by the reviewing authority in the decision such as would be grounds for reversal. The inmate/offender must clearly state the error committed by the reviewing authority, including the specific section of procedures or statutes not followed by the reviewing authority."

In your grievance appeal, you did check number one and two but did not substantiate your appeal nor did you substantiate your appeal with any authority for an error. As such, there has been nothing offered to the Director which indicates the reviewing authority's response is not proper. Therefore, the reviewing authority's response is affirmed. The inmate/offender will have satisfied the exhaustion of administrative remedies required by 57 O.S. § 564. However, the grievance procedure does not satisfy the additional requirements for exhaustion of administrative remedies required by the Governmental Tort Claims Act, 51 O.S. § 151 et seq.

Sincerely,

Mark Knutson, Director's Designee

I acknowledge receipt of this response:

7-9-2019

Inmate's signature and date

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

EXHIBIT

(3)

EXHAUSTED

EXHIBIT 3b) 2



DAVIS CORRECTIONAL FACILITY  
Inmate Accounting Transaction Receipt

Today's Date: 08/13/2019 12:35:03PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 08/13/2019 09:14  
Transaction Type: CR - GRIEVANCE FEES/FINES  
Amount: \$ 2.00  
Check Number:  
Receipt Number: 14264837  
Adding Officer: ACCOUNTING STAFF  
Card #:  
Beginning Balance: \$ 0.00  
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-170 ARA 6/27/19  
Document Locator Number:  
Case/Order Number:  
Memo:  
Batch Verifying Officer: ACCOUNTING STAFF  
Batch Number:  
Address: ,

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA )  
COUNTY OF Hughes ) SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant states first the Law Library Supervisor held R.T.S past time frame time intentionally to default affiant 40 signed 3-27-19 received date affiant further states D.C.F grievance coordinator Ms. Underwood marked boxes ~~same~~ same as 19-104 on same forms D.O.C 090124A (R 7/16) and D.O.C 090124D (R 9/16) affiant would assert DP-030115 Access to Court continued to be denied by D.C.F Law Library Supervisor Ms Patterson Appeal To Administrative Reviewing Authority Ordered Amended response May. 14, 2019 on 6/13/19 affiant received Amended response No Trained Supervisor posted on Echo No trained Law Clerk posted without retaliatory action to affiant the Relief Granted was untrue. Exhausted on 7/18/19 ~~Assessment~~ SI Jan E 2 19  
Subscribed and Sworn to this 27 of August 2019

Notary Public SI [Signature] Date 8-27-2019  
Comm. # 11003473



Inmate Accounting Transaction Receipt

EXHIBIT 36) 3

21

# GRIEVANCE RETURNED UNANSWERED

Received:

EC 102

Inmate signature

6-6-19

Date

DATE: May 29, 2019  
TO: Ezell, James, #237370  
FROM: James Yates, Warden  
Received: April 25, 2019  
RE: Return of Grievance # 2019-1001-00236-G

X [Signature]

**YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:**

- ☐ You have not filed your grievance within the specified time frame. **(CANNOT RESUBMIT)**
- ☐ The "Request to Staff" must be submitted within seven (7) days of the incident.
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the date of the receipt of the response to the "Request to Staff."
- ☐ An **ANSWERED** Request to Staff form addressed to the **correct staff member** must be attached.
- ☐ The **Request to Staff** issue is not consistent with the issue requested on the **Grievance**.
- ☐ **Inmate Request forms are not utilized in the Grievance Process.**
- ☒ You have not completed the **Grievance form correctly, in its entirety, or on the correct form.**
- ☐ Grievances submitted must be **legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed.** No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☒ The Grievance and Request to staff **MUST BE SPECIFIC** as to the **Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.**
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with **a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.)** **The grievance form may only be filed about the lack of response to the "Request to Staff."**
- ☐ Only **ONE ISSUE OR INCIDENT** is allowed per Grievance and Request to Staff.
- ☐ You are on **Grievance Restriction**, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an **Emergency or Sensitive** nature. The grievance is being returned and you must comply with the standard grievance process.

EXHIBIT

5/14

(4) a  
1



☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

**B. Non-grievable Issues**

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

**A. Determining Abuse of the Grievance Process**

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ Because of continued abuse of the grievance process this serves as an official warning.

☒ You will be afforded the opportunity to properly re-submit an ORIGINAL GRIEVANCE within 10 days of receipt of this notice WITH THE NOTED CORRECTIONS COMPLETED. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now OUT OF TIME.

☒ Other: You did not list a specific date of incident on your RTS. Your grievance form is out of date.

Compare Ex. 3a) 1 and Ex. 4a) 2  
EXHIBIT 4a) 2

## INMATE/OFFENDER GRIEVANCE

RECEIVED  
APR 25 2019

Grievance no

2019-1001-00236-6

Grievance code:

3

Response due:

5/14/19

GRIEVANCE

DO NOT WRITE ABOVE THIS LINE

Date

April 19 2019

Facility or District

D.C.F

Name

James Ezell Jr

Facility Housing Unit

Echo Charlie

ODOC Number

237370

Date "Request to Staff" response received:

4-15-19

Have you previously submitted a grievance on this same issue? No If yes, what date \_\_\_\_\_, facility \_\_\_\_\_, grievance # \_\_\_\_\_. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary.

that's Friday, Echo Charlie cages from denied Access previous date; On March 15, 2019 I was placed on Law Library List for make-up hrs. week per DP-030115 Access to Court deadline/procedure Court Rule) entitle Mr. Ezell to 6hrs D.C Policy, 9am-12pm is abt 6hr per wk. C/o Adkin attempted to use denial of my lunch meal to deny my Access to courts, per DP-030115 9am-3pm to cruel and unusual punishment in retaliation on March 14, 19 in violation of U.S.C 8th Amendment

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

on 3-19-19 I address issue with C/m Pfaff he expressed NO concern left for the day  
on 3-19-19 I address issue with L.T. Bowman he actually attended advised must address Law Library  
on 3-21-19 I address L/L Supervisor Ms. Patt. Patterson  
on 3-19-19 I.R. request submitted to C/o Adkin refused to respond  
on 3-19-19 I.R. submitted to C/o Moore Rec team

3. The action you believe the reviewing authority may lawfully take.

No staff member could violate offenders 8th Amendment Right as it relates to Denied lunch and dinner meal of offenders in Echo Max Law Library Cages. C/o Adkin attempted to use denial of Mr. Ezell's food or any other offenders food can not be denied in relation to Access to Court DP-030115

Grievance report sent to (warden/district supervisor/correctional health services administrator):

Name

James Yates

Title

Warden

Signature of Grievant

James Ezell

Date Sent to Reviewing Authority

April 19 2019

DOC 090124A (R 7/16)

1. Original to file  
2. Copy to inmate/offender

EXHIBIT 4a) 3



2019  
2314

Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process  
REQUEST TO STAFF

TO: % Adkin FACILITY/DIST/UNIT: D.C.F. DATE: 3-26-19  
(NAME AND TITLE OF STAFF MEMBER)

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: 3-19-19 facility: D.C.F. grievance #: APR 03 2019  
I affirm that I do ☐ do not ☒ have a grievance pending on this issue.  
I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: BY:  
This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

I have submitted Inmates Request upon and Echo Law Clerk denied my access to court per OP-D30115 Monday-Friday deadline Court imposed, you and Case manager Staff denied my lunch and dinner in Law Library Cages in retaliation because I persude to expose denied 4L. (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

I expect you to explain your action to deny my food especially without the Case Manager attempt to address

NAME: James Ezell (PRINT) DOC NUMBER: 237370 UNIT & CELL NUMBER: EC 101

SIGNATURE: James Ezell WORK ASSIGNMENT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Due to the fact you denied to go back to your cell you refused your meals.

STAFF MEMBER

DATE

Date response sent to inmate: \_\_\_\_\_

1. Original to file
2. Copy to inmate/offender

APR 12 2019

RECEIVED  
APR 25 2019  
BGC 090124D (R16)

GRIEVANCE

EXHIBIT 4a) 4



31  
SCOTT CROW  
INTERIM DIRECTOR



EC-102  
J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-236

Date: JULY 9, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or V.I.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections, etc.)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
X	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
X	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME TO PROPERLY FILE YOUR GRIEVANCE.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125Veffective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
X	24. Other: <b>YOU FAILED TO PROPERLY RESUBMIT YOUR REQUEST TO STAFF WITH THE REQUIRED INFORMATION AS PER OP-090124, SECTION V.B.1.a.(1).</b>

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS  
NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: \_\_\_\_\_

*8-2-19*  
Inmate's signature and date

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

Note **OP-030115** Access To Court Forms are to be ready available Law Library, Law Library Clerk trained)

EXHAUSTED  
EXHIBIT 4a) 5

EXHIBIT



DAVIS CORRECTIONAL FACILITY  
Inmate Accounting Transaction Receipt

Today's Date: 08/13/2019 12:35:03PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 08/13/2019 09:16  
Transaction Type: CR - GRIEVANCE FEES/FINES  
Amount: \$ 2.00  
Check Number:  
Receipt Number: 14264972  
Adding Officer: ACCOUNTING STAFF  
Card #:  
Beginning Balance: \$ 0.00  
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-236 ARA 6/17/19  
Document Locator Number:  
Case/Order Number:  
Memo:  
Batch Verifying Officer: ACCOUNTING STAFF  
Batch Number:  
Address:

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA )  
COUNTY OF Hughes ) SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant would state that DP-030115 ACCESS TO COURT provides that these form would be ready available from Law Library D.O.C 090124A (R 7/16) and D.O.C 090124B (R 9/16 forms these forms was used on 19-104 and 19-170 provided to offenders/affiant at D.C.F through Law Library/ Law Library Clerks on Echo with Jane Doe

2. Affiant states this 19-236 grievance was based on retaliation by staff member % Adkins and Legal Echo Law Clerk on 3-19-19 %M Pfaff advised % Adkins not to feed affiant, affiant claims are base denied Access to court per DP-030115 and DP-090124 and furthermore affiant states provide offender/affiants on Echo Maximum Unit denies Access to Courts

Subscribed and Sworn to this 27 of AUGUST 2019 at Law Library  
Notary Public [Signature] Date 8-27-2019

Inmate Accounting Transaction Receipt

COMM # 11008473



EXHIBIT 4a) 6

30

## Grievance Decision from Reviewing Authority

Inmate/Offender

Name: Ezell, James DOC Number 237370  
Receipt Date: 03/26/2019 Grievance Category Code: 6 Grievance Number: 2019-1001-00144-G

1. Discrimination	3. Complaint against staff	5. Disciplinary process	7. Medical	9. Records/Sentence Admin.
2. Classification	4. Condition of confinement	6. Legal	8. Property/Trust	10. Religion
Decision:			Fund	11. Personal Identity

Inmate Ezell requested that his Case Manager, Shay Pfaff, set a date within 2 weeks or before for Ezell to review his field file for documentation dated within the last 2 years.

After further investigation by Case Manager Pfaff, he will set a time to review Inmate Ezell's field file with him when CM Pfaff has sufficient time. He is not able to give Inmate Ezell a specific date and time within the next 2 weeks to review Ezell's field file.

Inmate Ezell's is Granted Partial Relief in that CM Pfaff will review His field file with him, but is unable to provide a specific date within the next 2 weeks to do so.

Inmate Ezell's **RELIEF IS PARTIALLY GRANTED.**

\_\_\_\_\_  
Reviewing Authority - Facility Health Services Admin (medical issues)

\_\_\_\_\_  
Date

*X [Signature]*  
\_\_\_\_\_  
Review Authority - Facility/District/Unit Head

*X 3/29/19*  
\_\_\_\_\_  
Date

I have received the copy of the response of the reviewing authority.

\_\_\_\_\_  
Signature of Grievant

*4-9-19*  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Staff Witness and Printed Name of Witness

\_\_\_\_\_  
Date

You may appeal to the Administrative Review Authority or Personal Identity ARA at Department of Corrections, P.C. Box 11400, Oklahoma City, OK 73136-0400 or Medical ARA at 2901 N. Classen Blvd, Suite 200, Oklahoma City, OK 73106, within 15 days of the receipt of response using only DOC Form 060125V entitled "Misconduct/Grievance Appeal to Administrative Review Authority." Do not send this decision to the Administrative Review Authority or Medical ARA

1. Original to file
2. Copy to inmate/offender

DOC 090124B (R 07/16)

Note: review of Jacket never conduct plaintiff could not see document  
appointment of counsel could resolve that issue copies were not  
provided to prevent legal victory in cf-2018-34 Claim 1

EXHIBIT

4/15/19 (5)  
9  
1



33  
G.C. MS. Terry Underwood

INMATE/OFFENDER GRIEVANCE

RECEIVED  
MAR 26 2019

Grievance no. 2019-1001-001446

Grievance code: 6

Response due: 4/15/19

GRIEVANCE

DO NOT WRITE ABOVE THIS LINE

Date 3-26-19

Facility or District P.C.F

Name James Ezell III

(Print)

Facility Housing Unit Echo Charlie

ODOC Number 037370

Date "Request to Staff" response received: 3-11-19

Have you previously submitted a grievance on this same issue? NO If yes, what date \_\_\_\_\_, facility \_\_\_\_\_, grievance # \_\_\_\_\_. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On 2-22-19 I.R. provide to EC case manager Pfaff to review offender jacket per Policy, after prior personal request twice. At 3-5-19 or 3-6-19 I was provided the form in which I only requested review of the last 2 yrs not my full jacket which I am entitled further delay could affect legal purposes upcoming court date.
2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.  
Spoke with C/M Pfaff twice, personally  
Submitted I.R. on 2-22-19  
On 3-5-2019 I submitted (I.R.) to U.M. Ake because this issue has been over a month  
Per (DOC 090124) Formal
3. The action you believe the reviewing authority may lawfully take.  
DIRECT Mr. Pfaff my unit case manager to set a date within 7 days or before for me to review my personal as requested only the last 2 years was requested  
D.O.C Policy allows offenders this thank you. Jacket/Field File Case Manager/ Facility Head

Grievance report sent to (warden/district supervisor/correctional health services administrator):

MR James Yates

Name

Warden

Title

James Ezell III

Signature of Grievant

3-20-19

Date Sent to Reviewing Authority

1. Original to file
2. Copy to inmate/offender

DOC 090124A (R 7/16)

Note: See Ex. 4a) 3 (DOC 090124A R 7/16) after recognized by  
R.A. see Ex. 5a) 2 but see Exhibit (17a) 1 compare.

EXHIBIT 5a) 2

Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process

REQUEST TO STAFF

TO: CASE MANAGER PFAFF FACILITY/DIST/UNIT: Echo DATE: 3-1-19  
(NAME AND TITLE OF STAFF MEMBER)

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: 2-22-19 facility: D.C.F grievance #: MAR 11 2019  
I affirm that I do ☐ do not ☒ have a grievance pending on this issue.  
I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: \_\_\_\_\_  
This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

I HAVE SPOKE WITH YOU TWICE ABOUT REVIEW OF MY JACKET PER  
POLICY BEFORE I HAVE PROVIDED YOU 2 (INMATE REQUEST) THE LATEST  
DATE ABOUT [NO] ANSWER [NO] REVIEW OF MY JACKET HAS BEEN  
SET EITHER

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

I NEED TO REVIEW MY JACKET SPECIFICALLY FOR LEGAL  
PURPOSES, DIRECT ME HOW YOU WANT TO DO THIS

Thank you

NAME: James Ezell DOC NUMBER: 231320 UNIT & CELL NUMBER: EC-101  
(PRINT)

SIGNATURE: James Ezell WORK ASSIGNMENT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Trying to find the  
Perm.

STAFF MEMBER

MAR 11 AM '19

DATE

MAR 26 2019

Date response sent to inmate: \_\_\_\_\_

1. Original to file
2. Copy to inmate/offender

GRIEVANCE DOC 090124D (R 9/16)



# Grievance Decision from Reviewing Authority

EC 102

Inmate/Offender

Name: Ezell, James

DOC

Number 237370

Receipt Date: 07/23/19

Grievance Category Code: 2

Grievance Number: 2019-1001-00291-G

- |                   |                             |                         |                        |                                    |
|-------------------|-----------------------------|-------------------------|------------------------|------------------------------------|
| 1. Discrimination | 3. Complaint against staff  | 5. Disciplinary process | 7. Medical             | 9. Records/Sentence Admin.         |
| 2. Classification | 4. Condition of confinement | 6. Legal                | 8. Property/Trust Fund | 10. Religion 11. Personal Identity |
- Decision:

Inmate Ezell had requested on grievance 2019-144 to review his field file. He alleged that his Case Manager has not allowed him to review his field file.

After further review of the matter, Shay Pfaff, Case Manager for Echo Charlie Unit, said that in May 2019 Inmate Ezell gave him a listing of the documents that he wanted to review. CM Pfaff pulled the documents that Inmate Ezell was allowed to review and gave him copies.

Inmate Ezell's **RELIEF IS GRANTED.**

Reviewing Authority – Facility Health Services Admin (medical issues)

Date

*[Signature]*  
Review Authority – Facility/Unit Head

*[Signature]* 9/30/19  
Date

I have received the copy of the response of the reviewing authority.

*[Signature]*  
Signature of Grievant

*[Signature]* 8-13-19  
Date

*[Signature]* Terry Underwood  
Signature of Staff Witness and Printed Name of Witness

8-13-19  
Date

You may appeal to the Administrative Review Authority or Personal Identity ARA at Department of Corrections, P.O. Box 11400, Oklahoma City, OK 73136-0400 or Medical ARA at 2901 N. Classen Blvd, Suite 200, Oklahoma City, OK 73106, within 15 days of the receipt of response using only DOC Form 060125V entitled "Misconduct/Grievance Appeal to Administrative Review Authority." Do not send this decision to the Administrative Review Authority or Medical ARA.

1. Original to file

2. Copy to inmate/offender

DOC 090124B (R 4/19)

EXHIBIT

T. was not link on 8/12/19 Terry Underwood  
EXHIBIT 56) 1

## INMATE/OFFENDER GRIEVANCE

RECEIVED

JUL 23 2019

GRIEVANCE

Grievance no. 2019-1001-00291-GGrievance code: 2Response due: 8/12/19

DO NOT WRITE ABOVE THIS LINE

Date 7-21-19Facility or Unit Echo MaxName James EzellFacility Housing Unit Echo CharlieDOC Number 231310Date "Request to Staff" response received: 7-16-19

Have you previously submitted a grievance on this same issue? YES If yes, what date 3-20-19, facility D.C.F., grievance # 00144. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On June 25, 2019 a R.T.S was submitted to C/m Pfaff per Policy 090124, in which C/m Ade responded to; Offender Ezell has been very respectfully and consider after 00144 grievance granted. Still Denied DP-060212 by Unit team denies my First, Sixth and Fourteenth Amendment of U.S. Constitution [R.T.S. attached]

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance. I addressed C/m Pfaff on 7-11-19 on 7-12-19 Pfaff yelled on pod tell Ezell not to write any R.T.S to him I.R. I spoke to pfaff doorside 7-17-19 he stated write him up The R.T.S. is attached hereto

3. The action you believe the reviewing authority may lawfully take. The review authority has granted this grievance almost 3 months ago however Echo Unit team at D.C.F has disregarded Mr. Ezell's Rights refuse to allow review of Jacket per DP-060212 as grievance # 00144- Direct Echo Unit C/m - C/m to do their Job Dis Process

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Mr. J. YatesWarden

Name

Title

Signature of Grievant James EzellDate Sent to Reviewing Authority 7-22-19

DOC 090124A (R 4/19)

1. Original to file
2. Copy to inmate/offender

Note: forms corrected on Echo Max Echo Charlie after but see Echo Max EA see Exhibit 17a)3 and see Ex. 16a)3 i.d.

EXHIBIT 5b)2



RECEIVED

Must Be Submitted Through the Law Library or Designee  
Inmate/Offender Grievance Process

REQUEST TO STAFF

TO: Mr. Platt C/m FACILITY/UNIT: D.C.F. BY: \_\_\_\_\_  
(NAME AND TITLE OF STAFF MEMBER) DATE: 6-25-19

I have ☒ have not \_\_\_\_\_ already submitted a "Request to Staff" or grievance on this same issue.  
If yes, what date: 5-15-19 facility: D.C.F. grievance #: 00144  
I affirm that I do \_\_\_\_\_ do not ☒ have a grievance pending on this issue.  
I affirm that I do \_\_\_\_\_ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
If a lawsuit is pending, indicate case number and court: \_\_\_\_\_  
This request \_\_\_\_\_ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

I WROTE YOU A RTS ABOUT REVIEW OF MY JACKET PER POLICY, AND WROTE HIM ADE WHICH SHE STATED I WOULD BE ALLOWED TO REVIEW MY JACKET. HOWEVER, YOU REFUSE TO ALLOW ME TO PERSONALLY REVIEW THE DOCUMENTS IN MY JACKET.

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

D.C.F. POLICY STATES OFFENDERS C/M WILL (SIT DOWN) WITH OFFENDER TO REVIEW HIS JACKET INFORMATION. THAT'S EXACTLY WHAT I WANT DONE. ALLOWED TO PERSONALLY REVIEW MY JACKET

NAME: James Egan DOC NUMBER: 237376 UNIT & CELL NUMBER: EC-102  
(PRINT)

SIGNATURE: James Egan III WORK ASSIGNMENT: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

per policy 060312 you will be allowed to view any documents that are approved. you will be sent a date for review.

STAFF MEMBER

DATE

JUL 11 AM '19

RECEIVED

Date response sent to inmate/offender: \_\_\_\_\_

1. Original to file
2. Copy to inmate/offender

JUL 23 2019  
DOC 080124D (R 4/19)  
GRIEVANCE

**DAVIS CORRECTIONAL FACILITY**  
**Inmate Accounting Transaction Receipt**

Today's Date: 09/11/2019 12:52:11PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 09/11/2019 09:08  
 Transaction Type: CR - GRIEVANCE FEES/FINES  
 Amount: \$ 2.00  
 Check Number:  
 Receipt Number: 14577033  
 Adding Officer: ACCOUNTING STAFF  
 Card #:  
 Beginning Balance: \$ 0.00  
 Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-291 ARA 8/21/19  
 Document Locator Number:  
 Case/Order Number:  
 Memo:  
 Batch Verifying Officer: ACCOUNTING STAFF  
 Batch Number:  
 Address: ,

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA )  
 COUNTY OF Hughes ) ss.

SWORN AFFIDAVIT OF James Ezell

I, James Ezell being of lawful age duly sworn accordingly to law gives the following statement under oath to-wit:

1.) On August 13, 2019 G.C. Underwood returned 3 grievances 00291 is one no restriction marked, no restriction of grievance per policy was provided by Ms. Underwood as the affiant has stated; and

2.) The affiant states that on August 14, 2019 his appeal of 00291 was prepared on August 13, 14 mailed on August 14, 2019 to Administrative Reviewing Authority per policy OP-D90124 and further states that the affiant has not received any response from A.R.A concerning 19-00291 per policy signature receipt from Mark Knutson and or Grievance Coordinator policy. (s) James Ezell

Subscribed and Sworn to this 19 of SEPTEMBER 2019  
 Notary Public Carla Hoover My Commission 4-15-2023



Inmate Accounting Transaction Receipt

EXHIBIT 5b) 4

EXHIBIT 5b) 4



**Misconduct/Grievance Appeal To Administrative Review Authority**

Inmate Name: James Ezeili

DOC Number: 237320

Facility Where Offense/Grievance Occurred: Echo/P.C.F

Offense Code: 2

Date of misconduct violation: \_\_\_\_\_

☐ Facility Misconduct Appeal Number \_\_\_\_\_

☒ Facility Grievance Appeal Number 1001-002916

I received the response of the reviewing authority at the facility on: Aug. 13, 2019

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.

☒ Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or

☒ Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

Signature of Inmate James Ezeili III resubmitted 9-23-2019

Date 8-14-19

DOC 060125V (R 4/17)

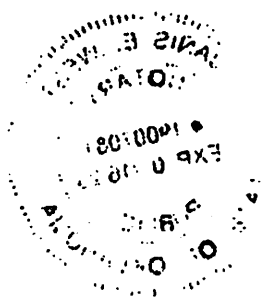


EXHIBIT 5b) 6

Newly discovered/available evidence not considered by the reviewing authority  
offender Ezell #237370 was granted in Grievance #2014-144 in April 2014 C/M Pfaff  
did not allow Mr. Ezell to review his Jacket per DR060212

C/M Pfaff said that in May 2014 offender Ezell gave him a list of the documents  
that he wanted to review C/M Pfaff can show no proof of payment for Copies  
because offender Ezell never review any documents.

DIOC. POLICY REQUIRE FORM TO BE FILED FOR COPIES → No Copies were made

The R.T.S. Submitted 6-25-19 was clear to C/M Pfaff surely the Law Library  
placed in C/M Pfaff mailbox, instead of C/M Pfaff answering the R.T.S  
he passed it off to U/M Ade and she stated you will be sent a date for  
review; Echo Unit Manager Ade did not say C/M Pfaff told her that he done  
Something in May 2018...

Probable error committed:

offender Ezell submitted a R.T.S to C/M Pfaff 6-25-19 after no response to I.R. 5-15-19  
attached to grievance is that request C/M Pfaff did not respond to the R.T.S. U/M Ade  
did respond citing Policy DR060212; Therefore, C/M Pfaff should have been directed  
to do his job, as the R.T.S was address to C/M Pfaff and he did not say anything  
about May 2019 because it never happened

C/M Pfaff continue to deny offenders Equal Protection and Retaliate,  
discriminate C/M Pfaff has openly retaliated base on grievance filing

STATE OF OKLAHOMA )  
County of Hughes ) SS.

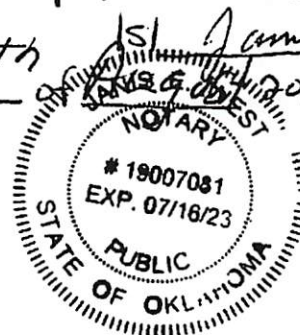
SWORN Affidavit of James Ezell

I James Ezell being of lawful age duly sworn according to law gives  
the above under oath statement to-wit:

Subscribed and Sworn to before me this 14<sup>th</sup> of June 2019

Notary Public Janis West

My Commission expires 07/16/23





SCOTT CROW  
INTERIM DIRECTOR



J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-291

Date: AUGUST 30, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
X	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
X	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
X	24. Other: <b>NO AFFIDAVIT AS REQUIRED. GRIEVANCE RESTRICTION EFFECTIVE 8/7/19.</b>

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response:

*James Ezell III 9-20-19*

Inmate's signature and date

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

Note Ms. Hower denied Notary on directions of Grievance Coordinator  
Ms. Underwood 8-20-19, 8-27-19 again on 10-14-19

EXHIBIT 5b) 5



STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-291

Date: NOVEMBER 1, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
X	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125Veffective 4/19).
X	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
X	24. Other: <b>YOUR AFFIDAVIT IS NOT ACCEPTABLE.</b>

**THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS**

**NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.**

I acknowledge receipt of this response:

*James Ezell 11-1-2019*  
Inmate's signature and date

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

*NOTE: Affidavit is within Policy → Evidentiary Hearing —*

**EXHIBIT 5b) 8**



THE  
UNITED STATES EASTERN DISTRICT COURT

STATE OF OKLAHOMA )

) SS. 19-CV-302-JHP-SPS

COUNTY OF Hughes )

SWORN STATEMENT OF JAMES EZELL III

I, James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

(1) The affiant states he is housed at the Davis Correctional Facility Echo Maximum on Echo Charlie EL-102 where these Unit team officers were employee at [D.C.F], Ms. Ade w/m Mr. Pfaff w/m Ms. Briggs w/c over Echo Charlie and Ms. Patterson was assigned to Echo Charlie before resigned to D.C.F Law Library.

Echo Charlie w/c Ms Briggs had recently been fired for alleged retaliatory actions toward another offender, with unprofessional conduct toward authority A.W. Perez date unknown.

(2) w/m Pfaff has called 3 offenders Bitches pussy and punks all Blacks Since Dec. 2018 w/m Ade is aware of w/m Pfaff's unprofessional conduct and very disrespectful to all black offenders

affiant states that a Request to staff was provide to w/m Ade by affiant after w/m Pfaff called Antonio Ellis punk pussy Bitch on 7-8-19 affiant provide R.T.S to Ms. Ade, on 7-31-19 affiant further states that and inmate request was provide to Ms. Ade because that serious R.T.S. had not been received by offender/affiant; on 8-2-19 affiant submitted another inmate request w/m Ade concerning no R.T.S to response the R.T.S date 7-12-19; On 8-6-2019 affiant received inmate request provided to Ms Ade

EXHIBIT (B)

on 7-31-19 and 8-2-19 concerning the R.T.S. 7-12-19 submitted through D.C.F. mailroom for L.L. Supervisor the employee responsible for stamping and submitting to the staff member, and once responded to provide back to offender/affiant whom have never received any response to the R.T.S. date 7-12-19 from Ym Ade (oc) Law Library Supervisor Ms. Patterson to this date 8-7-2019.

(3) The affiant further states that on abt. 7-1-2019 D.C.F. Grievance Cord. Ms. Terry Underwood removed R.T.S. that was attached to grievances that was submitted on abt. 6-24-19 Echo Charlie, the affiant contends he place staples on both and applied extra tape to one of the submitted grievances, affiant spoke with Mailroom Supervisor from Echo Charlie Law Library Cages video footage Ms. West looked at what affiant has explained.

Affiant further contends on abt. 7-2-2019 a Request to Staff was submitted to Grievance Cord. Ms. Underwood concerning her destroying affiant R.T.S. attached to Grievance # 1001-00267 and Grievance # 1001-00268 and on 7-24-2019 inmate request was submitted to G.C. because affiant had not received a response to that R.T.S. and on 7-29-19 G.C. Ms. Underwood responded to inmate request stating she had responded to R.T.S. on 7-12-19 and retained a copy of the R.T.S. that was answered to Law Library Ms. Patterson so she would forward to affiant, on August. — 2019 affiant received the R.T.S responded to by Ms. Underwood on 7-12-19 from the Law Library Supervisor Ms. Patterson for the first time on 8- -2019

(4) The affiant further states the Medium Yard Law Library Supervisor Ms. Patterson sent a untrained Law Clerk down to Echo on 8-5-2019 Monday affiant was pulled to the cage by Unit Officer Roberts place Echo Charlie Cage Law Library affiant asked the Law Clerk to direct affiant according to tit. 12 O.S. § 2004(i) he stated that he was directed not to assist in answering Legal



questions by Law Library Supervisor Ms. Patterson because he is not trained per policy affiant stated to Law Clerk his access to court is still being denied.

Affiant further contends that Deputy Warden Perez was present on Echo Unit abt. Aug. 5, 19 affiant then advised Deputy Perez what the presently provided Law Library Clerk had stated he could not assist in any Legal question per L.L.S Ms. Patterson because he is not trained. Affiant further states on 8-5-19 Law Library Supervisor Ms. Patterson came to Echo Charlie EC-102 advised affiant to get ready for Law Library which she had another Law Library Clerk present whom ~~was~~ answered a Legal question then Law Library Supervisor Ms. Patterson and Law Library Lefted Echo Maximum without any Law Library Supervision and on a train Clerk to assist offenders/affiants in same situation here at Davis Correctional Facility housing offenders of Oklahoma Department of Correction in which affiant further states his countless attempts through the grievance process to Contract General Counsel David Cincotta whom is O.D.O.C representing attorney General Counsel.

(5) The affiant states that on August 6, 2019 while in Law Library Cage on Echo Ms. Dorman Chief of Unit Manager was addressed about the Law Library Supervisor not delivering O.D.O.C offender Request to Staff per Policy furthermore, at all or in a timely fashion since affiant has filed grievances per policy as affiant would direct to #2 of affidavit concerning Ym Ade R.T.S. and #3 of affidavit concerning G.L. Ms. Underwood R.T.S. and pattern by D.C.F to henderance of offenders access to court, access to grievance procedures exhaustion furthermore retaliation for filing of grievances

(6) The affiant states he was placed in a Cage on Echo Charlie for Law Library by himself August 5, 2019 August 6, 2019 and August 7, 2019 without full access to Law ~~to~~ Library as D.C.F medium yard per policy because Echo Unit team members together with Law Library Supervisor Ms. Patterson set ways to prevent offenders to Exhaust all grievance issue affiant was placed in

Law Library Cage by himself. while medium yard offenders enjoy access to a trained Law Clerk to assist them per policy as well as other Clerks and other offenders in Law Library to assist each other if necessary affiant further states on August 5, 2019 he had a legal question the Unit Officer Yo Roberts could not answer because untrained in Law (or) and untrained to Superior Law Library, on August 6, 2019 Yo York placed affiant in Law Library Cage untrained in Law (or) and untrained to Superior Law Library on Echo Maximum Unit Echo Charlie no Law Clerk has been available on Echo Charlie since offender / affiant has proved Retaliation by Law Clerk because affiant filed grievance requesting to Contract General Counsel David Linotta in OF 2018-34 case from ALFALFA COUNTY, OKLAHOMA DEPARTMENT OF CORRECTION [J.L.C.E]; since 7-18-2019 Echo Law Clerk has been removed preventing offenders access to Law Library and retaliation on offenders whom complaint. Affiant further contends and assert that on August 6, 2019 would reflect to Gm Pfaff continued retaliation by discrimination.

(1) The affiant would state Yo Foy placed offender in Cage on Echo Charlie for Law Library August 7, 2019 when asked were is the Law Clerk for Law Library he stated your beat Echo do not have one like medium yard, and affiant then stated is offender Adams being pull for Law Library like you did on Friday 2, 2019 so we could at less assist each other Yo Foy stated no Ms. Patterson said keep you to apart only do one at a time in Law Library affiant then asked Yo Foy about books legal he stated I can't help you on that, just doing what I told, then affiant ask Yo Foy I have a legal question he said I am not trained I only know how to turn the Computer on they need to get you guys a Law Clerk down here to assist you guy, affiant then stated yes I know OP-D30115 is clear to me the Law Library here is in violation of offenders "access to courts", Affiant further states that August 8, 2019 he was denied any access to "L.L" by Yo Foy per Law Library Supervisor Ms. Patterson



(8) and affiant further states he has been denied access to Law Library since After August. 8, 2019 affiant further states on August abt 5, exact 6, 2019 4m Pfaff discriminated against affiant and his cellmate when he decided not to cuff both white offenders in Echo Charlie EC-227 on August 6, 2019 when asked for help by 9o York at abt. 4:15pm she stated to Pfaff she only had one cuff 4m Pfaff said I dont have a cuff get Ms. Hassan Bravo officer 9o York said she busy 4m Pfaff at that time got off the phone walked with Ms 9o York upstairs to EC-227 9o York opened the food port did not cuff offender inside nor did 4m Pfaff he stated to offender inside step back sit on your bunk, at abt. 5:30 9o York asked 4m Pfaff to help put offender Ezell up in Law Library Cages Ms. York stated I don't have but one cuff again, affiant contends that 4m Pfaff got up from his chair walked over to Echo Charlie unit pod door Left the pod returning with cuffs 4m Pfaff then came to EC-Law Library Cage were affiant had been to cuff him I then asked 4m Pfaff why did you not cuff the white guy in EC-227 with two cuffs, but when asked to put me up you go get two cuffs that's discrimination 4m Pfaff said if you have a problem put it on paper. On August. 7, 2019 the affiant wrote inmate request to Chief Brown asking him to review and forward the inmate request attached to 4m Pfaff addressing the discrimination in a retaliatory way to me and my cellmate MR. Keenan White. 4m Pfaff and 9o York cuffed only one offender in EC-227 then shortly after 4m Pfaff went out of his way to cuff both black offenders in EC-102; when asked by 9o York on Echo Charlie Unit in front of his office before she took the dinner tray up stairs. at abt. 5:30pm. on August. 6, 2019

(9) Affiant further contends that Friday. 9, August 2019 Chief Brown and A.W. Gentry made rounds on Echo Max Unit were affiant's cellmate address Mr. Gentry about 4m Pfaff unprofessional conduct disregard of 4m Ade or A.W. Gentry concern transfer packet, and affiant would assert further that he address Mr. Gentry next on 4m Pfaff unprofessional and disrespect

to offenders and fact that Ade 4M of Echo is well aware of this 4M Pfaff call offenders on his case load directly involved on his unit affiant advise A.W. Gentry of copies of R.T.S submitted to 4M Ade about 4M Pfaff on 7-12-19 unanswered or received by 4M Ade a pattern by staff, Mr. Gentry stated A.W. Perez showed him yesterday and followed it to Law Library Supervisor for stamp, affiant reminder A.W. Gentry this is the same problem I had with G.L. Ms. Underwood and Law Library Supervisor returning the offenders R.T.S to exhaust and affiant stated that why I forwarded those copies to A.W. Perez on August. 7, 2019.

(10) Affiant address 4M Pfaff calling offender bitches and punks pussy as 4M affected me mentally and emotionally making things unavailable because 4M Pfaff has done this to 3 different offenders black and 2 times to one of those 3 that was reported both times. Mr. Gentry said I only heard from 2 offenders you and ~~Ellis~~ Ellis but affiant cellmate told him as well, and affiant further advise Mr. Gentry of the discrimination retaliatory way by 4M Pfaff that continue since affiant has filed grievance on denied access to courts on Echo Max and and his personal house cleaner / Echo Law Clerk; on August. 6, 2019 4M Pfaff went to Echo Charlie 227 with 4 York whom had asked 4M Pfaff to put offender up affiant was in Echo Charlie Cage a little in front of case manager Pfaff's office 4 York said help me put this offender up I only have one cuff 4M Pfaff said I don't have any cuffs get 4 Hassan to help you Bravo officer 4 York stated she busy will pass 4M Pfaff got up went up those chairs 4 York opened food port both officer told offender in cell just to back up no cuffs were applied this happened abt 4:15, 4:20 August 6, 2019 Echo Charlie, and abt 5:30 pm 4 York did the same thing with offender Ezell in Echo Charlie Law Library Cage she asked 4M Pfaff to help put offender up stating she still on have one hand cuff 4M Pfaff came out his office went and got cuffs and when he returned I the affiant said I notice you did not cuff "offenders" in EC-227 but you made it a point to go get to cuff to cuff me and my celly

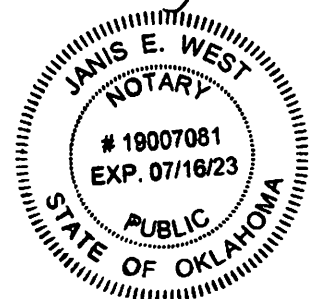


affiant said is that discrimination? C/m Pfaff said if you have a problem put it on paper affiant said its on video in your didnt cuff both white guys but went out your way to cuff both black guys. Affiant advise A.W. Gentry copies of inmate request mailed to chief Brown by mailroom on August. 7, 2019 asking him to review and forward to C/m Pfaff for his response Chief Brown had already left unit affiant could not address him.

(II) Affiant further contends I submitted inmate request to D.C.F population Ms. Gibson requesting the name of the D.O.D.C contract monitor that signed affiants misconduct issued May. 3, 2018 received here that day, affiant would assert Ms. Gibson did not respond so affiant submitted D.O.D.C second part R.T.S. back to population because at private prisons [D.O.D.C], contract monitor must sign off on all misconducts as approved on August. 7, 2019 inmate request returned denied; affiant has filed grievance on C/m Pfaff for refusal to allow review of jacket C/m Ade has been address grievance was granted at Reviewing Authority level D.C.F and on 3-29-19 C/m Pfaff or C/m Ade did not follow direction affiant gave ~~per~~ time respectfully because of C/m Pfaffs unprofessional disrespectful mouth affiant wrote C/m Ade again and after her response around oct. July. 23, 2019 another grievance re-submitted another pattern of D.C.F unprofessional disrespect to offenders rights to due process contract monitor signed off on May. 3, 2019 misconduct on 5/17/19 and affiant requested that name on August. 2, 2019 from Ms. Gibson and on June. 20, 2018 from the assigned population officer Mr. Brian Yandell no response, affiant is awaiting a response to R.T.S submitted to population August. 8, 2019, on August. 20 2019 Ms. Dorman responded to the R.T.s addressed to appropriate staff member population Ms. Gibson, Ms. Dorman continue to respond to R.T.S not addressed hendering offenders from exhaustion of issues on the appropriate staff member as stated in OP-090184, affiant further states Chief Brown has done the same thing on C/m Pfaff inmate request of retaliatory actions of discrimination against plaintiff continues on 8-19-19 by Brown not C/m Pfaff.

On August 13, 2019 affiant ask % Giles to provide forms from the table on Echo Charlie % Giles came to EC-102 videotagages he said what's this "Bitch shit" affiant stated what you mean I have placed my request in door like all officer asked it been there all day % Giles said you are not gettin no forms 2:58pm. Affiant pressed the bottom in cell to get an Sgt. officer % Giles assigned to unit using the word Bitch is the same manner % Pfaff addresses, % Giles went in % Pfaff's office returned to affiant's cell and said I was not getting anything.. Around abt. 3:55pm A.W. Perez and Chief of Unit Managers Ms. Dorman came to Echo on Echo Charlie affiant pointed out to Ms. Dorman that % Giles had used the word Bitch directing toward affiant at 2:58pm when asked was he ever going to get the requested form asked of him he stated because affiant was bitch he was going to give me the form required to exhaust <sup>not</sup> OP-090124 policy. However, affiant would state that at 3:51pm an offender upstairs yelled at % to get him form and % Giles went to the table grab the forms took them upstairs looking at EC-102 as he done this discriminating on EC-102 the % has not gave the forms requested Chief of Unit Manager stated she would speak to the % for his disrespect and unprofessional conduct toward offender Ms. Dorman finshed her rounds never addressed this % working the unit on Echo Charlie walking out the door % Giles was sitting at the desk affiant watched from his cell door EC-102. \_\_\_\_\_ end

Subscribed and Sworn to before me this 14th of August 2019  
Notary Public by Janis E. West  
My Commission expires 07/16/23



IN THE UNITED STATES DISTRICT COURT, FOR  
THE EASTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA )  
COUNTY OF Hughes ) SS. CV-302

SWORN STATEMENT OF JAMES EZELL #237370

I, James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

- (1) The affiant states he is housed at the Davis Correctional facility Echo Max on Echo Charlie EC-102 and was sitting in my cell desk when I heard 4m Pfaff voice yelling you're a punk, pussy and a bitch I immediately jump from my seat and went to my door window and that is when I seen 4m Pfaff standing in front of EC-229 door and I seen Antonio Ellis at his door in the window on July 8, 2019
- (2) The affiant further states that 4m Pfaff has done this to 2 more offenders on Echo Charlie all black in which the affiant contends that in february around at 21, 2019 4m Pfaff call affiant cellmate Randy Hall an Bitch when I stay in Echo Charlie EC-101 along with other unprofessional disrespectful words
- (3) The affiant and Randy Hall had the Unit Officer Boyd get the Unit Manager Ade to report 4m Pfaff calling offender Randy Hall a Bitch this happened before July 8, 2019 when affiant seen 4m Pfaff in front of EC-229 Antonio Ellis cell yelling punk, pussy and Bitch and don't send me a request about it either



(4) Affidavit provides further from affiant that on July 11, 2019 I provide 9m Pfaff a offender request per policy on July 12, 2019 on Echo Max EC 9m Pfaff came out his office between hrs 9:50am-10:30 yelling to % Ms. Pirece you tell Ezell do not send me a request again and you give him this back then 9m Pfaff place it on the desk; further the affiant assert that I ask % Ms. Pirece at doorside abt. 12noon is 9m Pfaff my case manager she stated yes then I asked why are you doing his job she stated because were short handed, Affiant then stated could I get the request he told you to give me back on that % desk she went to the % desk on the Unit looking through papers, went in 9m Pfaff's office shortly after both 9m Pfaff and % Pirece left Echo Charlie when Ms. Pirece returned I asked her for that request again she then stated its gone.

(5) Affiant further contends that on July 18, 2019 % Ms. Pirece placed me in Law Library cages on Echo Charlie from EC-102 abt 8:38am placed me in L.L. Cage refusing to give me a chair at 8:48 Law Library Supervisor returned with a computer affiant asked Ms. Patterson for a chair in L.L she refused and state ask Unit Officer % Pirece, affiant seen % Vance sitting at desk abt 902am I asked for a chair he stated ask you Unit Officer shortly after % Bullock walking in Echo Charlie abt 903am affiant asked and he refused all on DCF video footages ——— end of affidavit..

affiant's /s/ James E. Hoover

Subscribed and sworn to before me this 13 of AUGUST 2019

Notary Public /s/ Carla Hoover

My Commission expires 4-15-2023



41

# GRIEVANCE RETURNED UNANSWERED

Received:

EC 102

James Ezell III  
Inmate signature

8-13-19  
Date

**COPY**

DATE: August 7, 2019  
TO: Ezell, James, #237370  
FROM: James Yates, Warden  
Received: August 06, 2019  
RE: Return of Grievance # 2019-1001-00299-G

X 1 - A YOL

**YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:**

- ☒ You have not filed your grievance within the specified time frame. **(CANNOT RESUBMIT)**
- ☒ The "Request to Staff" must be submitted **within seven (7) days of the incident.**
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the date of the receipt of the response to the "Request to Staff."
- ☐ An **ANSWERED** Request to Staff form addressed to the **correct staff member** must be attached.
- ☐ The **Request to Staff** issue is not consistent with the issue requested on the **Grievance**.
- ☐ **Inmate Request forms are not utilized in the Grievance Process.**
- ☐ You have not completed the **Grievance form correctly, in its entirety, or on the correct form.**
- ☐ Grievances submitted must be **legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed.** No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☐ The **Grievance and Request to staff** must be specific as to the **Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.**
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with **a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.)** **The grievance form may only be filed about the lack of response to the "Request to Staff."**
- ☐ Only **ONE ISSUE OR INCIDENT** is allowed per **Grievance and Request to Staff**.
- ☐ You are on **Grievance Restriction**, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an **Emergency or Sensitive** nature. The grievance is being returned and you must comply with the standard grievance process.

EXHIBIT

6 a

8/26 1

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

**B. Non-grievable Issues**

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

**A. Determining Abuse of the Grievance Process**

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ Because of continued abuse of the grievance process this serves as an official warning.

☐ You will be afforded the opportunity to properly re-submit a grievance form within 10 days of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: **You stated on your grievance , that on June 16, 2019 you addressed Case Manager Pfaff in his office about your FAF packet. The RTS submitted to CM Pfaff was not submitted until 6/28/19. Out of time frame from date of incident, 12 days, cannot resubmit grievance.**



C.L. UNDERWOOD

## INMATE/OFFENDER GRIEVANCE

RECEIVED

AUG 06 2019

GRIEVANCE

Grievance no.

2019-1001-00299-6

Grievance code:

2

Response due:

8/26/19

DO NOT WRITE ABOVE THIS LINE

Date

8-5-2019

Facility or Unit

DCF/MAX

Name

Tarnas Ezell

Facility Housing Unit

Echo

DOC Number

237370

Date "Request to Staff" response received: 8-1-19

Have you previously submitted a grievance on this same issue? NO If yes, what date       , facility       , grievance #       . You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On May 3, 2018 I was transferred to DCF on May 9, 2018. U.L.L. recommend I receive override to remain max, on May 10, 2018, I was placed on EC-101. May 3, 2019 is 1 year clear per Policy offenders could submit FAF transfer packet instead you submitted a Custody Assessment recommending I remain max repeating comments from May 3, 2018 individually and in a retaliatory way denying my Fourteenth Amendment Due process, Equal protection.

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

On June 16, 2019 I address case manager Pfaff in his office about my FAF packet  
On June 25, 2019 I.R. sent to C/m Pfaff no response  
On June 28, 2019 R.T.S. submitted to C/m Pfaff response received Aug 1, 2019 attached  
on        I.R. submitted to Ms Ade  
on June 21, 2019 I.R. submitted to Ms. Dorman on Pfaff

3. The action you believe the reviewing authority may lawfully take.

C/m Pfaff is retaliating because offender has filed grievances and very clear offenders can submit transfer packet with 1 year clear especially if they have medium security points meet requirement should have been directed to do his Job C/m. and prepare FAF so P.O.C could grant or Deny transfer packet.

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name

James Yates

Title

Warden

Signature of Grievant

James Yates

Date Sent to Reviewing Authority

8-5-19

DOC 090124A (R 4/19)

1. Original to file
2. Copy to inmate/offender

EXHIBIT 6 a) 3

all offenders treated the same per policy DP-060204 page 7) D. 4.) equal protection  
MR. EZELL was transfer to D.C.F For May, 3, 2018 misconduct

RECEIVED  
AUG 06 2019  
GRIEVANCE

## REQUEST TO STAFF

JUL 01 2019

TO: Mr. Staff ECHO  
(NAME AND TITLE OF STAFF MEMBER)

FACILITY/UNIT: *D.C.F*

BY: DATE: 6-28-19

I have ✓ have not        already submitted a "Request to Staff" or grievance on this same issue.

If yes, what date: I.F. 6-25-19 facility: D.C.F grievance #:           

I affirm that I do do not ☒ have a grievance pending on this issue.

I affirm that I do not have a lawsuit of any type pending that relates in any way to this issue.

**If a lawsuit is pending, indicate case number and court:**

This request does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

**SUBJECT:** State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

My question is how the UCC can recommend I remain Max on Transfer packet provided 6-25-19 with clear conduct 1 year but a cellmate of mine signed a transfer packet <sup>12-11-19</sup> then recieved a Class X misconduct and 2 A's <sup>12-22-18</sup> but transfer packet not pull by UCC

(USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

**ACTION REQUESTED:** State exactly how you believe your request may be handled; that is, what exactly should be done and how.

My transfer packet should be corrected to reflect recommendation for lower security for clear conduct and the fact Assault of Staff dismissed in Street Court 4-26-19 Alfa Co misconduct actually placing me on main

NAME: James Ezen  
(PRINT)

DOC NUMBER: 237370

UNIT &amp; CELL NUMBER EC 102

SIGNATURE: James E. Smith

### WORK ASSIGNMENT:

~~AUG 08 2019~~

DO NOT WRITE BELOW THIS LINE

# GRIEVANCE

**DISPOSITION:**

Mr. Ezell, when you were transferred to OCF Max from JCC on 5/3/18, The transfer comments recommended a override to Maximum Security due to violent history and non compliance with security directives.

8. ~~4/4~~

7/15/19

STAFF MEMBER

DATE \_\_\_\_\_

These same comments also stated you assaulted an officer with feces and urine while in RHCX-111 also on 5/3/18. Assault on Staff

Date response sent to inmate/offender:

JUL 19 AM '50

1. Original to file  
2. Copy to inmate/offender

DOC 090124D (R 4/19)

still Active until 5/3/20. DCF UCC recommends you be overriden to remain Maximum Security until ALL your Active Misconducts have expired at the very least, which is 5/3/20. (Signature) rel. Officer on Unit B-\_\_\_\_\_ 81

James E. Lee III rel officer on Unit \_\_\_\_\_ 8/1/17  
EXHIBIT 6 a) 4

EXHIBIT 6a) 4



**DAVIS CORRECTIONAL FACILITY**  
**Inmate Accounting Transaction Receipt**

Today's Date: 09/11/2019 12:52:11PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 09/11/2019 09:07  
 Transaction Type: CR - GRIEVANCE FEES/FINES  
 Amount: \$ 2.00  
 Check Number:  
 Receipt Number: 14577002  
 Adding Officer: ACCOUNTING STAFF  
 Card #:  
 Beginning Balance: \$ 0.00  
 Ending Balance: \$ 0.00

Deposit From/Withdrawal To: DCF 19-299 ARA 8/21/19  
 Document Locator Number:  
 Case/Order Number:  
 Memo:  
 Batch Verifying Officer: ACCOUNTING STAFF  
 Batch Number:  
 Address: ,

Cost Recovery Collected:

To Cost Recovery:

\$2.00 CR - GRIEVANCE FEES/FINES

STATE OF OKLAHOMA )  
 County of Hughes ) ss.

SWORN AFFIDAVIT OF James Ezell

I, James Ezell being of lawful age duly sworn accordingly to law gives the following statement under oath to-wit:

1.) Affiant further states that 00299 is the other grievance returned by G.C. Underwood on Aug. 13, 2019 no restriction of grievance process was ever applied to any grievance by D.C.F. on August 13, 2019 or August 7, 2019 prepared by Warden Yates; and

2.) The affiant states on Aug. 13, 2019 he appealed both 00291 and 00299 to ARA because official no grievance restriction had been marked, no grievance restriction had been provided to offender on Aug. 13, or Aug. 14 by G.C. at D.C.F. Ms. Underwood, DP-030115 and DP-090194 is as one the appeal submitted to ARA on August 14, 19 has not been received by D.C.F. per D.O.C. policy affiant states the defects within R.A. and ARA has not been corrected. /s/ James Ezell

Subscribed and Sworn to this 19 of SEPTEMBER 2019  
 Notary Public Carla Hoover My Commission 4-15-2023



Inmate Accounting Transaction Receipt

~~EXHIBIT 6-b~~

EXHIBIT 6a) 5

51  
SCOTT CROW  
INTERIM DIRECTOR



J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-299

Date: AUGUST 30, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
X	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
X	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
X	24. Other: <b>NO AFFIDAVIT AS REQUIRED. GRIEVANCE RESTRICTION EFFECTIVE 8/7/19.</b>

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response:

*James Ezell* *8-20-19* *B*  
Inmate's signature and date

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

Note Ms. Hoover denied Notary 8-20-19, 8-27-19 OP-090124 sec X.B.2.a)

EXHIBIT 6 a) 6

**Misconduct/Grievance Appeal To Administrative Review Authority**

Inmate Name:

James Ezell

DOC Number:

237320

Facility Where Offense/Grievance Occurred:

Echo DCF

Offense Code:

2

Date of misconduct violation: \_\_\_\_\_

☐ Facility Misconduct Appeal Number

☒ Facility Grievance Appeal Number

1001-00299-G

I received the response of the reviewing authority at the facility on: \_\_\_\_\_

8-13-19

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.



Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or



Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

Signature of Inmate

James Ezell III resubmitted 9-23-2019

Date

Aug. 14, 2019

DOC 060125V (R 4/17)



EXHIBIT 6b) 1



Newly discovered/available evidence not considered by the reviewing authority,

On or abt. June 16, 2019 offender Ezell had an attorney call in Pfaff office while in C/m Pfaff's office actual call was [June 13 2019]; On or abt 6-24-2019, 6-25-2019 that day I.R. 6-25-2019 was put on paper per OP-090124

Clearly making the R.T.S. submitted on 6-28-2019 to Case Manager Pfaff 7 days from the actual incident 6-25-2019 date].

D.C.F. official continue to attempt to hindered offenders Exhaustion officer on unit signature 8-1-19 [date R.T.S. received]

per D.D.O.C OP-090124 offenders must submit D.O.C 030101A form then R.T.S. D.O.C 090124D On [June 13, 2019] offender Ezell bring to C/m Pfaff attention, on 6-25-2019 incident happened on 6-28-2019 R.T.S. was submitted Date on R.T.S. offender Ezell could not be Out of time frame without bias

### Probable error committed

offender Ezell # 237370 dates on ATTACHED REQUEST TO STAFF are as is inmate request 6-25-19 D.C.F. C/m Pfaff well within time frames 6-28-19 as far as OP-090124 go's the only issue is the July 19, 2019 stamp and the date offender actually received response time frames 8-1-19

G.C. Terry Underwood, Warden James Yates, Brian Yandell C/m Adk C/m Pfaff C/u/m Ms. Dorman A.W. Gentry continue to support the denial of OP-090124 offender Ezell spoke case manager Pfaff office on 6-13-19 then I.R. 6-25-19 7 days starts 6-25-19 reviewing authority disregarded the attached R.T.S. COPY 2 of 2 end

I James Ezell being of lawful age SWORN Affidavit of James Ezell under oath statement to-wit: duly sworn according to law gives the above

Subscribed and sworn to before me this 9 of 4 2019

Notary Public (S) Candace H. [Signature]

My Commission 4-25-2023



EXHIBIT 6 b) 2

SCOTT CROW  
INTERIM DIRECTOR



J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-299

Date: OCTOBER 11, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
X	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
	24. Other:

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS  
NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response:

*James Ezell* 10-14-19  
Inmate's signature and date

Note: Without proper documentation from Jacket review Plaintiff  
due process violated and equal protection  
Ms. Haver denied Notary again 10-14-19 (OP-090124)

EXHIBIT 6a  
EXHIBIT 6b) 3

## GRIEVANCE RETURNED UNANSWERED

Received:

EC  
102

COPY

Inmate signature

8-13-19

Date

DATE: August 7, 2019  
 TO: Ezell, James, #237370  
 FROM: James Yates, Warden  
 Received: August 06, 2019  
 RE: Return of Grievance # 2019-1001-00297-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☐ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted **within seven (7) days of the incident.**
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the **date of the receipt of the response to the "Request to Staff."**
- ☐ An ANSWERED Request to Staff form addressed to the correct staff member must be attached.
- ☒ The Request to Staff issue is not consistent with the issue requested on the **Grievance.**
- ☐ Inmate Request forms are not utilized in the Grievance Process.
- ☐ You have not completed the Grievance form correctly, in its entirety, or on the correct form.
- ☐ Grievances submitted must be legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed. No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☐ The **Grievance and Request to staff** must be specific as to the Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☐ Only ONE ISSUE OR INCIDENT is allowed per Grievance and Request to Staff.
- ☐ You are on Grievance Restriction, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

Note: Plaintiff attached RTS video would support this date Ms. Underwood destroy the attached RTS depriving plaintiff of his First Amendment Right to petition the government.

EXHIBIT

79

1

8/26



☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

**B. Non-grievable Issues**

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

**A. Determining Abuse of the Grievance Process**

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ **Because of continued abuse of the grievance process this serves as an official warning.**

☒ You will be afforded the opportunity to properly re-submit a grievance form within **10 days** of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☐ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: **On the RTS you wanted to be able to exhaust your grievances for the grievances submitted on 6/24/19 that did not have RTS attached when they were received at the Warden's office. You did not resubmit those grievances with RTS within the 10 days that you were allowed to resubmit. Those grievances are now considered out of time frame and moot. On the Grievance you wanted the Reviewing Authority to have grievance boxes on the units and have the Grievance Coordinator pick up their contents every day. Different issues, do not match.**

RECEIVED

INMATE/OFFENDER GRIEVANCE

AUG 06 2019

GRIEVANCE

Grievance no. 2019-1001-00297-6

Grievance code: 3

Response due: 8/26/19

DO NOT WRITE ABOVE THIS LINE

Date 8-5-2019

Facility or Unit D.C.F/MAX

Name James Ezell  
(Print)

Facility Housing Unit Echo Charlie

DOC Number 237370

Date "Request to Staff" response received: 8-1-2019

Have you previously submitted a grievance on this same issue? No If yes, what date \_\_\_\_\_, facility \_\_\_\_\_, grievance # \_\_\_\_\_. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On June 24, 2019 from Law Library Cages on Echo Charlie grievances was provided to D.C.F Mailroom Supervisor Ms. West 1 of those grievances was attached to R.T.S by Skeptic, the other R.T.S was attached to grievance and reinforced with tape Video footage supports Mr. Ezell point out to Ms. West we double checked the attachment was good, Said only you could remove the R.T.S denies my First Amendment, →

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.  
On July 1, 2019 doorside I stated the R.T.S was attached, you rejected that  
On July 1, 2019 I submitted R.T.S. to you about issue  
On July 25, 2019 I submitted I.R. about unreceived R.T.S.  
On Aug. 1, 2019 I addressed A.W. Gentry

3. The action you believe the reviewing authority may lawfully take.  
offender did receive those R.T.S from L.I.S timely, offender did attach R.T.S to grievances submitted; the reviewing Authority could place a box on Units that only Grievance Cord. would have to pick these up as Policy already state Grievances Grievance Cord. suppose to have control over a Box on Units eliminate all other employees handling Grievances

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

Name James Bates

Title Warden

Signature of Grievant James Ezell

Date Sent to Reviewing Authority 8-5-2019

- 1. Original to file
- 2. Copy to inmate/offender

DOC 090124A (R 4/19)

EX 79  
EXHIBIT 79) 3

United State District Court  
For THE  
EASTERN DISTRICT OF OKLAHOMA



August 7, 2019

I/M James Ezell, #237370  
CCA Davis Correctional Facility  
6888 E. 133<sup>rd</sup> Road  
Holdenville, OK 74868

Re: Grievance Restriction

Inmate Ezell,

You are being placed on a 12 month Grievance Restriction due to the following reasons:

- a. Grievances intended to harass another;
- c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;
- g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

OP-090124 entitled Inmate/Offender Grievance Process, Section IX, states in part, "The appropriate reviewing authority or medical deputy director may determine there is abuse or misuse of the grievance process, and may restrict the offender's capacity to submit a grievance. The abuse may be, but is not limited to:

- a. Grievances intended to harass another;
- b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);
- c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;
- d. Grievances about de minimis (small, trifling, no available remedy) issues;
- e. Repetitive grievances by multiple offenders about the same issue;
- f. An offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance; and
- g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

You were last warned about Grievance Restriction at DCF on 07/01/2019. Since you refused to follow the inmate/offender grievance process, I am placing you on grievance restriction from August 07, 2019 through August 6, 2020. You are required to follow steps outlined in Section IX of OP-090124 prior to submitting a grievance at any level. Keep in mind that further abuses are grounds for additional restriction.

Sincerely,

James Yates, Warden DCF

NOTE: THIS LETTER WAS SIGN FOR ON August 15, 2019 Plaintiff was personally provided 3 grievances August 13, 2019 by G.C. Ms Underwood Denial of Notary denies grievance process] further EXHIBIT 7 b) 1 (Attached Affidavit)



ARA 1A-264

# Inmate Request

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: Mark Knutson O.P.O.C Facility/Unit: ARA/ODOL Date: 8-19-19  
(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

I have a question for you can offenders Notarize the back of grievances?  
Per AP-090124 offenders can and must notarize an Affidavit nowhere does it say  
offenders cant pay to Notarize back side of grievances or pay for Notary of Order Grievance  
Restriction AWAITING YOUR RESPONSE

Name: James Ezell DOC # 237378 Unit & Cell # EC-102  
(Print)  
Signature: James Ezell Work Assignment: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION: See the attached ARA response

[Signature] 8/22/19  
Staff Member Date

RECEIVED

DOC 030101A  
(R 4/19)

AUG 21 2019

ADMINISTRATIVE  
REVIEW  
AUTHORITY

EXHIBIT 7c  
EXHIBIT 7b) 2

SCOTT CROW  
INTERIM DIRECTOR



J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

ARA 19-264

Date: AUGUST 22, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received <b>out of time</b> from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation <b>not</b> included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections ( <b>Private prison property</b> , misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not <b>signed</b> /dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the <b>reviewing authority</b> or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the <b>date</b> that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective <b>4/19</b> ).
	23. You will be afforded <b>ONE FINAL</b> opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
X	24. Other: <b>RE: "OFFENDER REQUEST" RECEIVED 8/21/19. THERE IS NOT A POLICY THAT REQUIRES AN INMATE GRIEVANCE FORM TO BE NOTARIZED NOR IS THERE A POLICY THAT PRECLUDES THIS. AS PER OP-030115, SECTION IV.C, NOTARY SERVICES ARE AVAILABLE FOR "LEGAL DOCUMENTS" AT A COST OF \$1.00 PER NOTARY.</b>

THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response: 8-27-19

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

~~EXHIBIT 7d~~

Note: Ms Hoover denied Notary denying Access to Court and OP-090124 EXHIBIT 7b) i.d.3

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF OKLAHOMA

STATE OF OKLAHOMA )

COUNTY OF Hughes )

) SS. CIV-19-302-JHP-SPS

SWORN AFFIDAVIT OF JAMES EZELL

I JAMES EZELL being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant states that on August 20, 2019 Echo Clerk Ms. Hoover came to EC-102 for Notary request per DP-030115 affiant provided Complaint 1983 and attached affidavits Ms. Hoover reviewed those documents and stated I will not Notary this because the paper it was on, then she suggested to affiant the only way she would notarize is if she could take the document to show someone else.

Ms. Hoover took papers at abt. 11:15 am came back abt. 1:50 pm Notarized those documents, [Denied required Affidavit to offender grievance process]

2. Affiant provided a grievance restriction affidavit per DP-090174 on August 21, 2019 abt. 11:20 am at EC-102 Ms. Hoover refused to do her job and Notarize affiant grievance restriction affidavit prepared contain a list by grievance number, date, description, and disposition at each level of all grievances previously submitted by the offender within the last 12 months DP-090174 B.2)(as Ms. Hoover denied stating Ms Underwood told me not to Notary.

affiant call 90 Foy to witness it is James Ezell III

Subscribed and Sworn to this 4 of SEPTEMBER 20 19

Notary Public I/ Carla Hoover

My Commission 4-18-2020



~~EXHIBIT 7e~~

EXHIBIT 7b) 4



STATE OF OKLAHOMA }

COUNTY OF Hughes }

SS.

CIV-19-302-JHP-SPS

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn accordingly to law gives the following statement under oath to-wit:

1. The affiant was denied Notary on August. 27, 2019 by Ms. Hoover she stated Ms. Underwood told her not to Notary, the affiant prepare an Emergency Grievance and to other grievances due, and the affiant placed all 3 grievances in Mailroom Ms. West hands addressed to Ms. Underwood August. 29, 2019, per grievance procedure process 090124.

2. On September. 12, 2019 at mail pass on Echo Charlie % passed 3 grievances at regular mail returned unprocess by Terry Underwood G.C. date from August. 27, 19 August. 28, 19 that was submitted through the mailroom on August. 29, 2019 affiant advised Unit Officer 9-12-19 to log-in. log book of this incident a violation.

3. On September 13, 2019 at abt. 8am affiant spoke to Capt. Riddle at doorside about L.L. not coming to Echo Charlie to pick up Copy % Foy call, % Vance called and affiant addressed Deputy Warden Gentry about G.C. Underwood returning offenders grievances submitted on August. 29, 2019 through mailroom without properly ~~exhausting~~ exhaustion per OP 090124 and in violation of procedure on returning grievances, G.C. Ms. Underwood and Ms. Hoover has Conspirer together disregard of D.O.C policy.

By James Ezell

Subscribed and Sworn to this 19 of September 2019

Notary Public Carla Hoover My Commission 4-15-2023



EXHIBIT 7 f

EXHIBIT 7b) 5

**DAVIS CORRECTIONAL FACILITY**  
**Inmate Accounting Transaction Receipt**

Today's Date: 09/11/2019 4:21:01PM

EZELL, JAMES RICKEY

E/EC/102/B

Agency # 237370

Perm # 1155321

Transaction Date: 09/11/2019 16:18  
Transaction Type: CR - POSTAGE  
Amount: \$ 0.65  
Check Number:  
Receipt Number: 14583741  
Adding Officer: ACCOUNTING STAFF  
Card #:  
Beginning Balance: \$ 0.00  
Ending Balance: \$ 0.00

Deposit From/Withdrawal To: POSTAGE - LEGAL MAIL  
Document Locator Number:  
Case/Order Number:  
Memo:  
Batch Verifying Officer: ACCOUNTING STAFF  
Batch Number:  
Address: .

Cost Recovery Collected:

To Cost Recovery:

\$0.65 CR - POSTAGE



Inmate Accounting Transaction Receipt

State of Oklahoma }  
 County of Hughes } ss. 19-CV-302-JHP-SPS

SWORN AFFIDAVIT OF James Ezell III

I James Ezell III being of lawful age duly sworn according to law gives the following statement under oath to-wit:

- 1) Affiant states that on Sept. 18, 2019 abt. 3:45 pm D.C.F G.C. Ms. Underwood came to Echo Charlie EC-102 and stated I was wrong for telling ms Hoover not to Notary your Grievance Restriction Affidavit when Ms. Hoover denied Notary on 8-27-19 and,
- 2) Affiant further stated that Ms. Underwood stated that she did not return the grievances that was submitted through the D.C.F Mailroom Supervisor on 8-29-19 verified by Ms. West 8-30-19 to Ms. Underwood which was returned in regular mail on 9-12-19 EC-102 documented by Unit officer.
- 3) On 9-16-19 Ms. West verified again of the grievances submitted to Ms. Underwood again 9-17-19, affiant further states the Chief of Unit Managers Ms. Dorman be in the Mailroom a friend of Ms. Hoover Notary of Echo Unit, these staff are conspiring together to prevent affiant Ms. Dorman, Ms. Underwood, Ms. Hoover, Ms. Ade and Ms. Patterson reading Legal documents Affidavits 1st James Ezell III



Subscribed and Sworn to this 19 of September 20 19  
 Notary Public Carla Hoover My Commission 4-15-2023

~~EXHIBIT 7K~~

EXHIBIT 7b) cont. 5



DCF

DCF 1A-2A1

DCF 1A-2AA

# Inmate Request

Issues relating to any of the following areas must be submitted to the Law Library on a "Request to Staff" form: Discrimination, Classification, Complaint Against Staff, Condition of Confinement, Disciplinary Process, Legal, Medical, Property, Records/Sentence Administration, and Religion.

This form is not utilized for exhaustion of administrative remedies; you must use the "Inmate/Offender Grievance Process Request to Staff" for those issues.

TO: D.O.C Mark Knutson Facility/Unit: D.O.C Date: 9-12-19  
(Name/Title of Staff Member)

SUBJECT: State completely, but briefly, the request on which you desire assistance. This statement must be specific as to the request, dates, place, personnel involved. Only one request or incident per "Inmate Request" is allowed. The requests addressed on this form are for routine administrative matters such as request for wake-up call, replacement clothing, phone calls, scheduling special/legal visit, hygiene items, etc. Your failure to specifically state your request may result in this Inmate Request being returned denied.

On August 14, 2019 I appealed D.C.F-19-291, D.C.F-19-299 per DP-090124 no grievance restriction was mark or provided to offender. from your office; no signature of receipt by offender Ezell that any response was ever recieved but I was charged 9-11-19 -  
AWAITING DISPOSITION OF APPEALED GRIEVANCE TO YOUR OFFICE 8-14-19 - 1 copy of 2 -

Name: James Ezell III DOC # 237320 Unit & Cell # EC-102  
(Print)  
Signature: James Ezell III Work Assignment: \_\_\_\_\_

DO NOT WRITE BELOW THIS LINE

DISPOSITION:

Responses to DCF 1A-2A1 and 1A-2AA were sent to DCF on  
6/30/19.

[Signature]

Staff Member

Date

9/19/19

RECEIVED

DOC 030101A  
(R 4/19)

SEP 19 2019

ADMINISTRATIVE  
REVIEW  
AUTHORITY

~~RECEIVED~~

recieved 9-24-19 L.M.L signed J.E

I certify that on 12<sup>th</sup> of Sept. 2019 the original copy was mailed to D.O.C Mark Knutson from D.C.F BI James Ezell..

EXHIBIT 7(c) 1

EXHIBIT 7(c) 1

## GRIEVANCE RETURNED UNANSWERED

Received:

EC 102

Inmate signature

Date

DATE: August 27, 2019  
 TO: Ezell, James, #237370  
 FROM: James Yates, Warden  
 Received: August 21, 2019  
 RE: Return of Grievance # 2019-1001-00297-G

YOUR GRIEVANCE IS BEING RETURNED UNANSWERED BECAUSE OF THE FOLLOWING:

- ☐ You have not filed your grievance within the specified time frame. (CANNOT RESUBMIT)
- ☐ The "Request to Staff" must be submitted within seven (7) days of the incident.
- ☐ The inmate/offender grievance must be submitted by the inmate/offender 15 days from the date of the receipt of the response to the "Request to Staff."
- ☐ An ANSWERED Request to Staff form addressed to the correct staff member must be attached.
- ☒ The Request to Staff issue is not consistent with the issue requested on the Grievance.
- ☐ Inmate Request forms are not utilized in the Grievance Process.
- ☐ You have not completed the Grievance form correctly, in its entirety, or on the correct form.
- ☐ Grievances submitted must be legibly written or typed, in blue or black ink. No pencil, highlighter, or other color of ink is allowed. No drawing, decorating, doodling, or making comments, in the margins of the pages is permitted.
- ☐ The Grievance and Request to staff must be specific as to the Complaint, Dates, Places, Personnel Involved and How the Inmate was Affected.
- ☐ Classification Movement requests to transfer to another facility, are not grievable to DOC.
- ☐ If there has not been response to your Request to Staff in 30 days, but no later than 60 days, of submission, the inmate may file a grievance to the reviewing authority with a copy of the "Request to Staff" attached to the grievance form. (Ask the law library supervisor for a copy of the RTS.) The grievance form may only be filed about the lack of response to the "Request to Staff."
- ☐ Only ONE ISSUE OR INCIDENT is allowed per Grievance and Request to Staff.
- ☐ You are on Grievance Restriction, proper documentation was not included.
- ☐ It has been determined that the grievance is not of an Emergency or Sensitive nature. The grievance is being returned and you must comply with the standard grievance process.

9.9  
 EXHIBIT 7C) 2

EXHIBIT 7C) 2

☐ **Section-09 Programs Page: 4 OP-090124 Effective Date: 04/11/2019**

**B. Non-grievable Issues**

1. Misconduct reports received through the agency disciplinary procedures may not be appealed through the grievance process. Misconduct reports may only be appealed through the disciplinary appeal process as referenced in OP-060125 entitled "Inmate/Offender Disciplinary Procedures."

☐ 2. Grievances shall not be submitted:

☐ (a) about matters that are in the course of litigation;

☐ (b) about matters that include requests for disciplinary action against staff;

☐ (c) requesting monetary compensation; or

☐ (d) For property issues at privately contracted facilities. These are to be resolved by the privately contracted facility and are not grievable or appealable to ARA.

☐ Property issues may be addressed by utilizing the requirements of CCA Policy 14-6: Inmate Resident Property (Property Claim 14-6D and Appeal 14-6E).

☐ **Section-09 Programs Page: 18 OP-090124 Effective Date: 04/11/2019**

**A. Determining Abuse of the Grievance Process**

1. The appropriate reviewing authority may determine there is abuse or misuse of the grievance process and may restrict the inmate's/offender's ability to submit a grievance. Types of abuse, include, but are not limited to: (PREA 115.52(g))

☐ a. Grievances intended to harass another;

☐ b. The continual and repeated submitting of frivolous grievances (frivolous grievances are those with no basis in fact or law);

☐ c. The repeated submitting of grievances or "Requests to Staff" about an issue previously addressed by staff in their written response;

☐ d. Grievances about de minimis (small, trifling, no available remedy) issues;

☐ e. Repetitive grievances by multiple inmates/offenders about the same issue;

☐ f. An inmate/offender writing letters instead of utilizing the grievance process and failing to bring complaints by formal grievance;

☐ g. Continued procedural defects, such as submitting additional pages, after having been previously warned.

☐ Because of continued abuse of the grievance process this serves as an official warning.

☐ You will be afforded the opportunity to properly re-submit a grievance form within 10 days of receipt of this notice **WITH THE NOTED CORRECTIONS COMPLETED**. The grievance form must be proper, complete, and submitted to the proper reviewing authority. The failure of such waives/forfeits the right to proceed in the grievance process.

☒ Due to your continued failure to submit a properly filed grievance, you are now **OUT OF TIME**.

☒ Other: Request of Staff does not match the grievance. Can not resubmit.



Terry Underwood

## INMATE/OFFENDER GRIEVANCE

Grievance no.

2019-1001-00 297-G

Grievance code:

3

Response due:

9/9/19

AUG 21 2019

GRIEVANCE

DO NOT WRITE ABOVE THIS LINE

Date

August 14, 2019

Facility or Unit

D.C.F Echo

Name

James Ezell

Facility Housing Unit

Echo Charlie

DOC Number

(Print)  
237320

Date "Request to Staff" response received:

8-1-19

Have you previously submitted a grievance on this same issue? Yes If yes, what date 8-5-19, facility D.C.F, grievance # 00297. You must submit this completed original within 15 days of the receipt of the response to the "Request to Staff". The "Request to Staff" must have been submitted within 7 days of the incident. Do not include/attach anything to this grievance except the "Request to Staff" including the response. You may quote from or make reference to statutes, operations, field, or administrative memoranda, department publications (time sheets, inventory forms, assessments, etc.). You will be permitted only one opportunity to correct any error(s) made in submitting your grievance.

1. The nature of your complaint. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per grievance. Use backside of this page only, if necessary. On 7-1-2019 the Grievance Coord. Ms. Underwood returned Grievance # 1001-00267, 1001-00268 after offender Ezell had personally attached R.T.S. by staple and staple and tape all offender had. On 6-24-19 offender Ezell was in L.L. Cage abt. 10:30-12:00 when Mailroom Supervisor Ms. West picked these grievances submitted R.T.S. clearly attached perfectly. Video footage support Ms. West double checking upon my request. Offender Ezell is intentionally being Denied.

2. Informal action taken (including dates) to resolve the complaint, as well as the names of those employees from whom you sought an answer to your grievance.

On 7-1-2019 door side I stated the R.T.S. was attached you rejected that

on 7-1-2019 I submitted R.T.S. to you about issue

on 7-25-2019 I submitted I.R. about unreceived R.T.S

on Aug. 1, 2019 I addressed A.W. Gentry about R.T.S. not being returned from L.L.

on Aug. 7, 2019 I addressed Chief of Wm Porman about R.T.S. handling Exhaustion dates

on Aug. 15, 2019, Aug. 16, 2019 Aug. 19, 2019 addressed Mailroom Ms. West.

3. The action you believe the reviewing authority may lawfully take.

offender did receive those R.T.S. and attached them to grievances submitted video footage support offender Ezell and Ms. West check attachment on 6-24-19 the Reviewing Authority may correct D.C.F defect and Exhaust offenders Grievances maybe even place grievance box on Unit

Grievance report sent to (warden/facility head/deputy director/correctional health services administrator):

James Yates

Warden

Name

Title

Signature of Grievant

Aug. 20, 2019

Date Sent to Reviewing Authority

DOC 090124A (R 4/19)

1. Original to file

2. Copy to inmate/offender

Note: R.T.S. attached hereto is unrelated to original August 5, 19 00297 that R.T.S. was destroyed by Ms. Underwood Ex 7a) 1)

EXHIBIT 7c) 1.d.4

RECEIVED

AUG 21 2019

GRIEVANCE

→ Administrative Remedies Forcing Mr. Ezell to get Courts involved so he can Exhaust further grievances without Retaliatory Action anymore.

STATE OF OKLAHOMA }  
COUNTY of Hughes } SS.

SWORN AFFIDAVIT OF James Ezell

I James Ezell being of lawful age duly sworn according to law gives the following statement under oath to-wit:

1. The affiant recieved grievances on Aug. 13, 2019 by Terry Underwood G.C. no grievance restriction mark on returned grievances, on August. 15, 19 the mailroom supervisor provided offender with a letter from Warden Yates grievance restriction affiant requested the Mailroom Supervisor Ms. West whom have Notarized documents during lockdown but this day Ms. West state she could not notary grievance affiant explained O.D.C Policy 090124 on August. 16, 19 no notary and Ms. West said she would notary Monday. 19, 19 no notary Warden Yates expressed she is not to notary, under penalty of perjury pursuant to tit. 21, O.S. § 491 the above is true to the best of my knowledge SI James Ezell HT 8-19-19.  
Grievance Filed

AUG 21 2019

## GRIEVANCE

RECEIVED

Must Be Submitted Through the Law Library or Designee

Inmate/Offender Grievance Process

JUL 08 2019

## REQUEST TO STAFF

TO: G.L. Ms Terry Underwood FACILITY/UNIT: DCF BY: \_\_\_\_\_  
 (NAME AND TITLE OF STAFF MEMBER) DATE: 7-1-19

I have ☒ have not ☐ already submitted a "Request to Staff" or grievance on this same issue.  
 If yes, what date: 6-14-19 facility: DCF grievance #: 1001-00235  
 I affirm that I do ☐ do not ☒ have a grievance pending on this issue.  
 I affirm that I do ☐ do not ☒ have a lawsuit of any type pending that relates in any way to this issue.  
 If a lawsuit is pending, indicate case number and court: \_\_\_\_\_  
 This request ☐ does ☒ does not relate to a pending misconduct report. If it does, this request may only be answered by the disciplinary coordinator assigned to the misconduct.

SUBJECT: State completely, but briefly, the problem on which you desire assistance. This statement must be specific as to the complaint, dates, places, personnel involved, and how you were affected. One issue or incident per "Request to Staff." Your failure to specifically state your problem may result in this being returned unanswered.

I sent Mr. Knutson addressed to D.O. Mark Knutson about 10:30-12:00 on 6-24-19. You responded: Today you returned grievances / # 1001-00235 submitted 6-24-19 to Mailroom Ms. West obt. 10:30-12:00 with RTS attached. Video footages would support because I was in L.L. cages EC which I reminded Ms. West.  
 (USE OTHER SIDE IF MORE SPACE IS NEEDED. DO NOT ATTACH ADDITIONAL PAGES.)

ACTION REQUESTED: State exactly how you believe your request may be handled; that is, what exactly should be done and how.

I would suggest you Exhaust my grievances submitted 6-24-19 because the procedural defects is yours here at DCF correct your returned grievance do not threaten me with grievance restriction again. Thank You

NAME: James Ezell DOC NUMBER: 237370 UNIT: EC RECEIVED NUMBER: EC  
 (PRINT)

SIGNATURE: James Ezell WORK ASSIGNMENT: AUG 06 2019

DO NOT WRITE BELOW THIS LINE

GRIEVANCE

## DISPOSITION:

I'm Ezell, If you warrant being placed on Grievance Restriction, the Warden will place you on Restriction. It is your responsibility to make Ms Underwood  
7/12/19

STAFF MEMBER

DATE

Date response sent to inmate/offender:

JUL 19 AMSD

1. Original to file
2. Copy to inmate/offender

DOC 090124D (R 4/19)

sure your RTS stays attached to your grievance, not mine. Either place the documents in an envelop or make sure they are securely attached to each other.

EXHIBIT 7c) 5



54  
SCOTT CROW  
INTERIM DIRECTOR



J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-297

Date: SEPTEMBER 19, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
X	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
X	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
X	24. Other: <b>NO AFFIDAVIT AS REQUIRED. GRIEVANCE RESTRICTION EFFECTIVE 8/7/19.</b>

**THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS**

**NOTE:** Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response:

*James Ezell III* 9-20-19 *JD*  
Inmate's signature and date UNIT 40

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

Grievance Coordinator did not provide Warden EX. 26) 1; furthermore ~~EXHIBIT 7-i~~  
Note directed MS. Haver not to Notary grievance restriction affidavit). EXHIBIT 7c) 6

## Misconduct/Grievance Appeal To Administrative Review Authority

Inmate Name: James Ezell DOC Number: 237320

Facility Where Offense/Grievance Occurred: D.C.F. Echo Offense Code: \_\_\_\_\_

Date of misconduct violation: \_\_\_\_\_

☐ Facility Misconduct Appeal Number

☒ Facility Grievance Appeal Number  
2019-1001-00397

I received the response of the reviewing authority at the facility on: 9-4-19

Fill out this form in blue or black ink. Writing must be legible. I wish to appeal the reviewing authority's response to the misconduct/grievance on the following ground(s) only. DO NOT ATTACH ANY OTHER PAGES. (Use ONLY the back side of this page, if necessary). Your appeal will be returned to you unanswered if any other pages are submitted.



Newly discovered/available evidence not considered by the reviewing authority, relevant to the issue, necessary for a proper decision, and why the evidence was not previously available which if considered may alter the decision (you must clearly state the newly discovered/available evidence); or



Probable error committed by the reviewing authority in the decision such as would be grounds for reversal (you must clearly state the error committed by the reviewing authority, including citing the part of procedures or statutes not followed by the reviewing authority).

Response:

I understand that in accordance with OP-060125/OP-090124, I will be charged \$2 to appeal a misconduct/grievance to the Administrative Review Authority or Chief Medical Officer, and that this form is also a request for disbursement of funds from my trust fund draw account. If I do not have enough funds to cover this cost, the amount will be collected as soon as funds become available.

James Ezell III  
Signature of Inmate

9-23-2019  
Date

DOC 060125V (R 4/17)

~~EXHIBIT 7~~

EXHIBIT 7c)7

Newly discovered/available evidence not considered

Is the videofootages on 6-24-19 Shows offender Ezell in Echo Charlie Law Library Cage went Ms. West pick up the grievances and returned back to the Cage with 00267 00268 which was submitted on 6-24-19 long as videofootage support his and Ms. West Verify it as already done Ms. Underwood destory those R.T.S, offender dont have to exhaust "PLRA" but he has R.A. and ARA;

Probable error committed by the reviewing authority

First box offender Ezell's R.T.S attached really does match the grievance issue Destory R.T.S by Underwood on 6-24-19 R.T.S submitted on 7-1-19 videofootages support Ms. West Mailroom Supervisor picking this mail/ grievance R.T.S attached offender was in L.L Cages on Echo Charlie 6-24-19; which videofootage will support offender and Ms. West double checking to make sure attach R.T.S was attached..

Ms. Underwood and the Law Library attempt to default offender by delay officer at mail pass signature protected Mr. Ezell grievance process below his signature Ms. Underwood response is directly on point with Mr. Ezell consistence of R.T.S and grievance [action Requested] was Exhaust offender Ezell grievance submitted on 6-24-19 and dont threaten me with grievance restriction again,

D.C.F private prison Facility employee's has disregard Mr. Ezell 2P-090124 right in this decisoon Deputy Warden Gentry and Warden James Yates continue to violate OFFENDERS FIRST AMENDMENT RIGHT! DUE TO YOUR CONTINUED failure to correct D.C.F The court must get involved

additional Newly discovered on 9-18-2019 Terry Underwood admitted dooorside EC-102 she was wrong for telling ms. Hoover not to Putary restriction affidavit



SCOTT CROW  
INTERIM DIRECTOR



J. KEVIN STITT  
GOVERNOR

STATE OF OKLAHOMA  
OKLAHOMA DEPARTMENT OF CORRECTIONS  
ADMINISTRATIVE REVIEW AUTHORITY

DCF 19-297

Date: OCTOBER 11, 2019

To: EZELL, JAMES #237370

Location: DCF

From: Mark Knutson, Director's Designee *Mark Knutson*

Your grievance/correspondence was filed improperly for the following reason(s):

	1. No reviewing authority response to the grievance.
	2. No informal action, Request to Staff response included.
	3. Out of time from date of alleged incident until filing Request to Staff.
	4. Out of time from date of response to Request to Staff until filing the grievance with the reviewing authority.
	5. Received out of time from date of the reviewing authority's response.
	6. You cannot appeal a non-response. See OP-090124 section V.B.1.b.(8) (Request to Staff) or VI.C.4. (grievance).
	7. Inmate on grievance restriction and/or proper documentation not included. See OP-090124, section X.B.2.a.
	8. Must be legibly written in blue or black ink. No pencil or other color of ink is allowed. No doodling or writing in margins.
	9. Attachments to the grievance/appeal (no additional pages allowed except affidavit if required).
	10. Not an issue grievable to Oklahoma Department of Corrections (Private prison property, misconduct, litigation pending, not within/under the authority/control of the Department of Corrections)
X	11. More than one issue or the complaint and relief requested are not consistent on the Request to Staff and grievance.
	12. Not of a sensitive/emergency nature. You must follow the standard grievance process including giving the reviewing authority an opportunity to respond.
	13. Requests for disciplinary action against staff or monetary compensation will not be addressed in the grievance process.
	14. Appeal form not signed/dated.
	15. The ruling of the Administrative Review Authority or Director's Designee is final.
	16. Facility grievance number not listed on the appeal form.
X	17. Additional issues submitted in the grievance appeal and not presented in the initial grievance to the reviewing authority for response will not be addressed by this office.
X	18. You have failed to follow previous instructions from the reviewing authority or ARA for filing this grievance/appeal and/or properly resubmit. <b>YOU ARE NOW OUT OF TIME.</b>
	19. You did not provide the date that you received the reviewing authority's response on the appeal form.
	20. This grievance is unanswerable as there are no time frames specified for the alleged action(s) to have occurred
	21. You failed to identify your grounds for an appeal by checking one, or both boxes on the appeal form.
	22. Your appeal must be written on the Misconduct/Grievance Appeal form (DOC060125V effective 4/19).
	23. You will be afforded ONE FINAL opportunity to properly resubmit your corrected grievance appeal which must be received in ARA within ten (10) days of receipt of this form. <b>DO NOT RETURN THIS FORM WITH YOUR CORRECTED APPEAL.</b>
	24. Other:

**THIS OFFICE WILL NOT PROCESS INCOMPLETE/INACCURATE/OUTDATED APPEAL FORMS**

NOTE: Abuse of the grievance process as explained in section IX of OP-090124, will result in restrictions being imposed.

I acknowledge receipt of this response:

*James Ezell* 10-14-19  
Inmate's signature and date

P.O. BOX 11400  
OKLAHOMA CITY, OK. 73136-0400

Note: Ms. Hoover denied Notary again 10-14-19 (OP-090124)

EXHIBIT 7j  
EXHIBIT 7c) 8